1990·ANNUAL·REPORT

VOLUME I: Judicial Council Report to the Governor and the Legislature

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JUDICIAL·COUNCIL OF·CALIFORNIA

1990·ANNUAL·REPORT

A Summary of 1989 Activities

JUDICIAL·COUNCIL OF·CALIFORNIA

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LETTER OF TRANSMITTAL

TO THE HONORABLE GEORGE DEUKMEJIAN,
Governor of the State of California,
and Members of the Legislature:

The 1990 Judicial Council Report is presented pursuant to the provisions of section 6 of article VI of the California Constitution.

January 1, 1990

Hon. Malcolm M. Lucas,
Chairperson

Hon. David N. Eagleson
Hon. Mildred L. Lillie
Hon. Robert K. Puglia
Hon. Donald B. King
Hon. Cecily Bond
Hon. Richard P. Byrne
Hon. Henry Ramsey, Jr.
Hon. Ricardo A. Torres
Hon. Roy L. Wonder
Hon. Susan P. Finlay

Hon. Robert D. Mackey
Hon. Cerena Wong
Hon. Robert A. Barclay
Hon. Jane A. York
Hon. Bill Lockyer
Hon. Elihu M. Harris
Mr. David M. Heilbron
Mr. Peter J. Hinton
Mr. Kenneth W. Larson
Mr. Don W. Martens

Mr. William E. Davis,
Secretary

JUDICIAL COUNCIL PRIORITIES

The Judicial Council of California is committed to supporting the courts and helping them find ways to improve the fair and effective administration of justice.

In doing so, the council adopts and periodically revises its priorities, guided by the principle that all citizens are entitled to timely access to affordable justice.

In addition to guiding the council's advisory committees and staff, these priorities will direct budgetary and other resources to projects that address priority issues, as well as the council's legislatively mandated duties and ongoing programs.

The council invites members of the legal community and the public to join in implementing the priorities it has adopted to guide the judicial system into a new decade and a new century.

Following is a list of each approved priority with a summary of the council's 1990 action plans.

Reduce unnecessary delay in trial and appellate courts

The council's goal is to meet American Bar Association time standards for case processing consistent with the preservation and protection of the rights of the individual and the principles of fairness implicit in the concept of due process of law.

- ☐ Accelerate appellate and trial court automation.
- ☐ Improve calendar management in civil cases.
- ☐ Improve calendar management in criminal cases.
- ☐ Improve voir dire processes and the utilization of jurors.
- ☐ Eliminate delays due to lack of courtroom personnel; monitor electronic recording of court proceedings.
- ☐ Review the allocation and transfer of civil and criminal cases between superior courts and municipal or justice courts.
- ☐ Identify and study public policy questions regarding "private judges" and the use of public resources.
- ☐ Study the present judicial arbitration program to determine its effectiveness and consider extending the program to municipal courts.
- ☐ Study case settlement and alternative dispute resolution techniques.
- ☐ Develop and evaluate experimental trial procedures to reduce the length of trial.

Improve the operation of juvenile, family law, and other proceedings involving children and families

- ☐ Continue a comprehensive revision of juvenile court rules to clarify procedures and conform to statutory changes.
- ☐ Develop publications on probate guardianships, dependency information.
- ☐ Develop additional juvenile court forms.
- ☐ Draft guidelines establishing criteria for selection of court-appointed attorneys in juvenile court proceedings.
- ☐ Study impact of drugs on juvenile courts.
- ☐ Draft legislative package for council action regarding improvements in juvenile court.

JUDICIAL COUNCIL PRIORITIES (continued)

- ☐ Assist in the restructuring of the council's family law statistics gathering program; the development of case management standards to reduce delay in family law cases; the development of standards for evaluators; and the development of recommendations regarding family law rules and standards of judicial administration.
- ☐ Statewide Office of Family Court Services and the Family Court Services Research and Demonstration Project Grant Program. Evaluation and research projects include the development of a statewide database, 11 major publications, and uniform standards for mediation.
- ☐ CASA programs and 1989 Senate Bill No. 218. A grant program will be undertaken to encourage the development of local court-appointed special advocate (CASA) programs, and to fund implementation of experimental court reorganization projects in three superior courts.

Examine bias issues and other problems to ensure fairness and equal access to justice

- ☐ Develop and present to the Superior Court Committee an information package for private conservators and legal forms for regulating conservatorships, and appoint a committee on conservatorships.
- ☐ Develop notice forms and a system to record use of listening devices for hard-of-hearing parties, witnesses, attorneys, judges, clerks, and jurors.
- ☐ Organize a mental health conference attended by judges, mental health professionals, correctional officers, attorneys, and others knowledgeable about mental health issues related to legal proceedings in order to identify issues and problems.
- ☐ Develop training programs for temporary judges and small claims advisors and assist in revising small claims forms.

Develop an improved system for predicting the need for judges

- ☐ Study current method used to evaluate the need for appellate judges.
- ☐ Study alternatives to the weighted caseload system.
- ☐ Develop methods to improve the statistical information available on family law proceedings and to increase the proportion of family law judges to an amount appropriate for the workload involved.
- ☐ Study methods to predict the need for juvenile court assignments.

Study local court rules and statewide rules of court

- ☐ Review proposals concerning local court rules including (a) adopting statewide rules, where appropriate, to supersede local rules; (b) specifying appropriate areas for local rules, and (c) improving the methods of dissemination and publicity of local rules.

Monitor issues related to state funding of the trial courts, and on request, assist courts in negotiations with county officials

- ☐ Address issues concerning salaries for justice court judges, statewide benefits and assignment pay.
- ☐ Provide technical assistance to trial courts in the implementation of state trial court funding, including the steps required by the option process.
- ☐ Monitor the grants previously made through the Trial Court Improvement Fund and solicit new grant proposals.
- ☐ Develop implementation procedures for a full-time judiciary requiring assignment assistance by part-time justice court judges resulting from new legislation.

JUDICIAL COUNCIL PRIORITIES (continued)

Develop simplified distribution and accounting for fines, forfeitures, and penalty assessments

- ☐ Provide information to courts deficient in distribution and accounting methods and link them to courts with efficient and effective systems.
- ☐ Develop a simplified procedure for distribution of revenue.

Improve the operation of small claims and traffic court; improve the small claims advisor programs

- ☐ Adopt programs to improve the training of non-judicial bench officers in small claims matters.
- ☐ Present a final report on plea by mail to the Legislature.
- ☐ Study methods to improve the small claims advisor program.
- ☐ Appoint a Small Claims Advisory Committee as mandated by Senate Bill No. 1137.
- ☐ Revise small claims forms.
- ☐ Plan a traffic adjudication workshop for municipal court commissioners and referees and juvenile traffic hearing officers.
- ☐ Provide assistance to various state and local entities involved in traffic matters.

Develop statewide standards and guidelines for court facilities

- ☐ Study proposals concerning court facilities to ensure that adequate attention is paid to meeting the needs of children and families in the courts.
- ☐ Study facilities suitable for courts and develop standards for courthouse construction.
- ☐ Study a proposal for a regional courtroom for large and complex civil cases.

Promote public understanding of the judicial system

- ☐ Continue to maintain a communications link with local and state media.
- ☐ Continue to distribute publications that highlight Judicial Council activities and court statistics.
- ☐ Determine status of public education activities and clarify educational needs.
- ☐ Develop a pamphlet for citizens containing practical information about the state court system.

MESSAGE FROM
THE CHIEF JUSTICE

Highlights of the Address

Chief Justice Malcolm M. Lucas presented his third annual *State of the Judiciary Address* to the State Bar Conference of Delegates in San Diego, California, on September 17, 1989. Below are highlights of the address:

- ☐ The influx of drug-related cases has placed growing demands on already hard-working courts throughout the state where litigants must wait as civil cases are delayed because criminal cases take precedence.
- ☐ Courts are not equipped to, nor should they, handle the problem of drugs in our society on their own.
- ☐ Additional resources are needed to assure not only that criminal litigants have their day in court, but that civil litigants have a court that serves their needs.
- ☐ Education, prevention, treatment, and continued inquiry into the causes of, and possible solutions to, the explosion in drug use, are urgently needed.
- ☐ Increased numbers of criminal cases requiring courtrooms have adversely affected some of the delay reduction pilot project counties. But most preliminary reports are promising from counties with delay reduction programs. The move to develop uniform delay reduction rules for new courts setting up voluntary projects is proceeding on schedule.
- ☐ Delay reduction is here to stay. During the next few years, the judicial branch will report on the effectiveness of delay reduction and make recommendations about its continuation and form.
- ☐ A new Advisory Committee on Minority and Ethnic Bias in the Courts was created to help the state's legal system prepare to serve the needs of California's growing populations of ethnic minorities.
- ☐ A California Supreme Court Historical Society was established to preserve and disseminate historical knowledge relating to the court and the judicial branch.

The State of the Judiciary Address

Presented to the State Bar Conference of Delegates in San Diego, California, September 17, 1989.

Delay reduction remains vital to our judicial system. Its importance was underscored during the past year as the influx of drug-related cases placed growing demands on already hard-working courts.

The effects of this increase are felt in every courthouse in the state where litigants and their lawyers must wait as civil cases are delayed because criminal cases take precedence. Indeed, the greater number of criminal cases requiring courtrooms has adversely affected some of the delay reduction pilot project counties.

The problem of drugs in our society is not easy to address, nor is it one courts are equipped to, or should, handle on their own. Recent statistics show that a majority of Americans perceive the drug crisis as one of society's most serious challenges. That perception is reflected in the heavy emphasis the President and Congress place on this issue. No one questions the need for action. The debates center around what that action should be.

Last April in Philadelphia, I participated in a national symposium on the judiciary's response to the

drug crisis. We did not devise a magic bullet or easy cure, but the preliminary report makes points that bear repeating.

Most strategies for dealing with the drug crisis, including the recent laudable proposals by President Bush and William Bennett, involve increased law enforcement leading to more arrests.

One expected result, of course, is more convictions, but little provision has been made for more judges and courtrooms. Currently, judicial operations in California – including costs of appointed counsel – amount to only 1.5 percent of our total state and local government budgets.

The impact of the increase in drug-related cases was starkly summed up in the national symposium's preliminary report as follows: "The overload causes backlog, the backlog feeds delay, delay along with lack of jail and prison space imperils rights to timely consideration, undermines deterrence and breeds contempt for the law.

"In some states speedy trial programs based upon the certain expectation of firm trial dates and court control of its calendar have been devastated."

The latter part of that statement has particular meaning for me although our delay reduction programs by and large are still functioning effectively. We cannot ignore the potential, and in some instances already realized, effect on the administration of justice. Additional resources are needed to assure not only that criminal litigants have their day in court, but also that civil litigants have a court that serves their needs.

Education, prevention, treatment needed

Undoubtedly, the judicial system is a key player in the fight against drugs. But law enforcement becomes involved because of failures elsewhere. Education, prevention, treatment and continued inquiry into the causes of, and possible solutions to, the explosion in drug use, are urgently needed.

Courts deal with those who break the law and many of those who suffer as a consequence. Nonetheless, courts alone cannot stem the tide. Increased reliance and pressure on them to handle the drug problem without affording adequate resources to do the job or without addressing the causes of this pervasive intruder in our society can harm our entire legal system and lead to widespread disregard for the law. We must make sure courts receive sufficient resources and the scope of what they are expected to do is realistic.

Sol Wachtler, Chief Judge of the State of New York, said it well in his recent "State of the Judiciary" address. Describing the experience of men and women serving in the courts, he noted: "Every day they are asked to bear more and more of society's burdens; every day they comply. They deserve a high measure of public gratitude, and they deserve help." I concur.

Pilot projects make strides

Despite the ominous cloud of heightened demands on the courts, the pilot project delay reduction counties have made excellent strides. A report prepared in April 1989 for the Judicial Council by the National Center for State Courts concluded that most counties had significantly shortened case disposition times in fast-track cases.

For example, San Diego in January 1987, was the first county to begin a pilot program. By April 1989 it had disposed 75 percent of cases filed in June 1987. Fewer than 13 percent of all cases filed in January 1987 were still pending after two years.

In Orange County, 83 percent of cases filed in January 1988 and entered in the delay reduction program were disposed by the end of January 1989. Only 23 percent of cases filed at the same time, but not in the project, had been disposed of.

In Los Angeles, the time needed to dispose of the oldest cases in the program was substantially reduced. Of

about 1,200 pre-1988 cases placed in the program in June 1988, almost 80 percent, were disposed of only seven months later.

Sacramento and Riverside showed similar improvements in rates of disposition.

In addition, Alameda and San Francisco courts have done a fine job in keeping up with fast-track caseloads even though felony and asbestos cases occupied the bulk of the courts' time.

Results were less substantial in Kern and Contra Costa counties. In Kern, disposition time slipped overall, primarily due to an increase in criminal cases dominating the court calendar.

Meeting delay reduction demands

The National Center's report stressed one overall difficulty – assuring a firm trial date. Even San Diego had a period in early 1989 when civil cases could not be brought to trial. By July, however, that problem had been alleviated and generally updated statistics that month showed continued progress.

Recent data from a survey conducted by the Administrative Office of the Courts reinforces the importance of firm trial dates as well as judicial control and commitment to the program.

The data also demonstrate that as the projects progress and attorneys become familiar with their requirements, the numbers of orders-to-show-cause hearings and sanctions imposed on attorneys diminish.

Judges are also learning what is realistic to expect and when to make exceptions. Fast-track scheduling and responses to it increasingly are a normal part of doing business for bench and bar. Both are finding it possible to live with delay reduction demands.

In fact, overall, support for the program is high. In July 1989, Orange County began placing 50 percent of its business-related cases into its delay reduction program. It also increased the number of participating judges from four to eight.

Los Angeles judges met with attorneys to improve cooperation and compliance. In Contra Costa, volunteer attorneys facilitated civil settlements through special panels. In Sacramento, retired judges have been of great assistance in expediting case processing.

In San Diego, Presiding Judge Michael Greer directed the first fast-track program with skill and toughness. The average time for trial in civil cases has been reduced by more than half, while the number of fast-track cases settled has increased. In the process, Judge Greer has gained the respect of the bar for his willingness to respond to constructive criticism and to institute changes that make sense.

In addition to the individual efforts in each county, the State Bar's consortium on trial court delay reduction has made valuable contributions as it monitors the progress of different programs and expresses the concerns of the entire bar.

The creativity and commitment of participating judges and attorneys bode well for the success of the experiment.

More progress expected

The National Center's report realistically summarized developments to date, observing "progress in the first year is heartening, support is widespread, and continued progress can be anticipated." It also cautioned "delay reduction is a difficult undertaking that requires the constant attention, patience, and goodwill of both bench and bar."

It is clear that much has been accomplished, but much remains to be done. We cannot lost sight of the fact that delay reduction is devised, not to produce statistics, but to enhance justice. As Lord McKay, Lord Chancellor of the United Kingdom, said: "We must not sacrifice justice to efficiency; nor should we deny justice by inefficiency."

More resources will be needed to assure timely, effective, and just treatment for all litigants, civil and criminal, who appear before our courts. We must also make the best use of resources already available.

I am confident that together we can work to meet the many challenges facing our legal system. After all, we have the best quality basic resources: our lawyers and judges.

Uniform rules under way

Preliminary reports from the 10 other counties voluntarily embarking on delay reduction programs also are promising, and we are tracking their progress, too. The move to develop uniform delay reduction rules for new courts setting up voluntary projects as required under 1988 legislation is proceeding on schedule.

In March 1989, I appointed a Judicial Council advisory committee that has promulgated draft rules now circulating for comment. After comments and suggestions have been received and reviewed, the Judicial Council will finalize uniform rules for new counties beginning delay reduction efforts in December.

Proposed time standards for municipal and justice courts also are circulating for comment and will be considered by the Judicial Council at its December 1989 meeting.

In addition, several projects are under way to reduce the time spent selecting juries. In some counties, such as San Diego, expediting voir dire has played a major role in reducing trial time as part of the overall delay reduction effort.

Before leaving the subject of delay reduction, let me add one more reminder. The current projects are experimental. During the almost two years most have been under way, the courts have modified and fine-tuned their rules as they gained experience and consulted with the bar. Their success and the usefulness of the information they will provide depends on continued close cooperation and dedication of judges, lawyers, and court staff. The results of these experiments will have a primary role in charting the future direction of our court system and its practices and procedures.

Delay reduction has proceeded pursuant to legislative mandate. Over the next few years, the judicial branch will report on its effectiveness and make recommendations about its continuation and the form it will take. I think I can safely repeat what I've said before: Delay reduction is here to stay. If you want to have an effect on the future of California's system of justice, now is the time to get involved.

Private judging to be studied

In July 1989, I appointed a committee to study private judging in California. Some have hailed this phenomenon as the salvation of our courts because it can alleviate the burden by removing certain cases from the system allowing others to get to trial earlier.

Others see it as a harbinger of doom for an effective and fair legal system because it allows the rich to obtain speedy justice while the poor are relegated to an overworked public system. Moreover, critics worry that potentially higher monetary rewards will woo the best judges from the bench into private judging.

The committee will hold two public hearings in November 1989 to collect information from all interested parties. The committee is sure to provide a very helpful report under the able leadership of Dean Scott Bice of the University of Southern California Law Center.

The use of adjunct judges is another flag being run up the pole. The Legislature is considering statutory and constitutional provisions that would permit appointment of adjunct judges by the Chief Justice to serve in counties requiring additional temporary judicial assistance.

The proposal needs careful review before it becomes a reality, but its very existence, even in a preliminary

state, reflects the fact that the pool of retired judges willing to serve on a pro tem basis is being outstripped by demand.

We must also remember that even if we had all the judges we need, we would still need somewhere to put them given the fact that there are too few courtrooms. The Judicial Council Advisory Committee on Court Facilities is reviewing this problem.

If a bond issue sponsored by Senator Lockyer pending in the Legislature is successful, it will provide $745 million for court facilities.

Delay reduction on the appellate front is also progressing. The Court of Appeal for the First Appellate District was selected by the American Bar Association (ABA) as one of five intermediate appellate courts in a study of ABA standards relating to appellate delay reduction.

A "design team" has been established to study the administrative, lawyer, and judicial functions in an appeal with an eye to uncovering problems and finding solutions.

For example, at its first meeting, the team focused on the court's difficulty supervising record preparation in the 12 counties in its jurisdiction.

At the team's request, I contacted the presiding judges in each county to request designation of a judge responsible for supervising timely preparation of reporters' and clerks' transcripts.

Statewide, revision of pertinent appellate rules of court is being considered with input from interested members of the bar.

Supreme Court goals met

Nine months ago, the Supreme Court began implementing new procedures requiring issuance of an opinion within 90 days of oral argument. I am pleased to say we have met our goal in every case so far.

Our oral argument calendars have been somewhat less crowded than in years past, but are beginning to flesh out. The lower numbers can be attributed to several factors.

The 90-day procedures are still young and we are continually making changes. A number of cases argued before January 1, 1989, must still be disposed of although that figure is dwindling. Under our new rules, each case receives more attention before it is calendared for argument.

As a result, time previously spent on cases after oral argument has shifted in part to before – so although overall time for processing cases may in fact diminish, it may take longer for a case to reach calendar.

We also have had a change in personnel. Appointment of a new justice always results in an adjustment period all around. Justice Kennard, however, has been an excellent addition to the court and has quickly gotten the hang of things.

The entire court is constantly reviewing procedures and making changes to improve efficiency without sacrificing quality or fairness. I am very encouraged by the success of the new procedures. They hold a great deal of promise for assisting the court in coping with a heavy caseload.

State trial courts funded

State funding of trial courts has been implemented and all counties have opted into the plan. The Administrative Office of the Courts (AOC) provided technical assistance to courts as this changeover occurred.

In addition, the Judicial Council and the AOC have numerous projects under way on diverse issues such as rural administration of justice, juvenile and family court practice and procedures, use of computerized data collection and case management, computerized preparation and transmission of papers filed by attorneys with courts, use of facsimile machines for filing, audio recording in lieu of court reporters, and improved use of new technology in the court system.

Gender bias study completed

On other fronts, the Advisory Committee on Gender Bias in the Courts has completed its data gathering and will present part one of its report and recommendations to the Judicial Council in December 1989. The gender bias study was launched in part to respond to the fact that more women are appearing in courts as lawyers, judges and litigants, altering the landscape of our judicial system.

The committee, under the fine leadership of Los Angeles Superior Court Judge David M. Rothman and Senator Diane Watson, also of Los Angeles, has done an excellent job of obtaining information from participants in the judicial system statewide.

I thank the committee members and all who gave the committee the benefit of their experiences. The committee's conclusions and recommendations will help ensure that our legal system affords individuals fair, unbiased treatment regardless of gender.

California's demography generally is changing and our state's diversity is increasing. Projections show growing Asian, Hispanic, and Black populations and each of these groups has distinct subsets as well. A simple walk through the neighborhood near our San Francisco chambers gives one a sense of the many backgrounds from which our population springs. You will find Vietnamese, Chinese, Cambodian, and Thai restaurants and shops. Or you can step into a Mexican, Ethiopian, or Italian enterprise for variety.

The real point I want to make is that, in the future, California's legal system must be prepared to serve the varied needs of its diverse population.

To this end, I announce the creation of an Advisory Committee on Minority and Ethnic Bias in the Courts to consider how best to deal with any problems that may already exist and to meet new challenges that are sure to develop in the future. Its members will be named in the next few months.

Several other states already have similar committees and I know their expertise and experience will be helpful. I also know that the new committee will be able to draw on the expertise and abilities of the gender bias committee members.

New historical society formed

I am also proud to announce establishment of a California Supreme Court Historical Society. As its incorporation documents state, the society's purpose is to "acquire and preserve knowledge, documents, and records to disseminate knowledge relating to any historical aspect of the California Supreme Court and the judicial branch of the State of California."

The bar's committee on History of the Law originated the proposal for the society, which was adopted by the Board of Governors. We are grateful for their initiative and help.

There is much to be done and I invite your participation. During more than five years on the Supreme Court, I have learned that this is an institution with a rich history of legal talent, dedication, intelligence and creativity that has placed California's judicial system at the forefront of the nation.

September 24, 1989, marks the 200th anniversary of the enactment by Congress of the Judiciary Act of 1789 establishing the Federal Court System. The next day, Congress voted to submit to the states for ratification the Bill of Rights. The very basics of our judicial system were created in those two days and in the ensuing years we have experienced both remarkable changes and remarkable continuity.

In California we have an exciting past to draw on and a challenging future to look forward to. The efforts of men and women in the bar and the bench today will guide us into the 21st century. We are fortunate to have so capable a group serving our state and its people.

Thank you for being part of the exciting process of providing the best possible legal system for today and the years ahead.

JUDICIAL COUNCIL OF CALIFORNIA

The Judicial Council of California is required by the Constitution to survey the condition of business in state courts and to report and make appropriate recommendations to the Governor and the Legislature. (Cal. Const., art. VI, § 6.)

The two-volume *1990 Judicial Council Annual Report* provides summaries of the activities of the Judicial Council and its staff during 1989.

Volume I is the council's report to the 1990-91 Regular Session of the Legislature.

Volume II is a summary of activities in the Administrative Office of the Courts, the staff agency serving the council. It also includes detailed statistical data on the volume of business in all courts for the fiscal year ending June 30, 1989.

The 1990 *Annual Report* was produced under the general editorial supervision of Ms. Lynn Holton, Public Information Officer, and Ms. Ellen McCarthy, Annual Report Editor, both of the Administrative Office of the Courts.

Constitutional and Statutory Provisions for the Judicial Council

The Judicial Council was originally provided for in section 1(a) of article VI of the State Constitution adopted November 2, 1926. This section was amended November 8, 1960. On November 8, 1966, a revised article VI was adopted and the provisions of former section 1(a) were amended and renumbered as section 6, and further revised November 5, 1974, to read:

Sec. 6. The judicial Council consists of the Chief Justice and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the Chief Justice for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or Chief Justice, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice, the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the Judicial Council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Other constitutional provisions dealing with the Judicial Council or the Chief Justice are found in article VI, sections 15 and 18(f). There are also a number of statutory provisions referring to the Judicial Council.

JUDICIAL COUNCIL MEMBERS [1]

HON. MALCOLM M. LUCAS
Chief Justice of California
Chairperson of the Judicial Council

HON. EDWARD A. PANELLI
Associate Justice, Supreme Court

HON. BETTY BARRY-DEAL
Associate Justice, Court of Appeal,
First Appellate District,
Division Three

HON. RONALD M. GEORGE
Associate Justice, Court of Appeal,
Second Appellate District,
Division Four

HON. WILLIAM L. TODD, JR.
Associate Justice, Court of Appeal,
Fourth Appellate District,
Division One

HON. CECILY BOND
Presiding Judge, Superior Court,
Sacramento County

HON. RICHARD P. BYRNE
Presiding Judge, Superior Court,
Los Angeles County

HON. HENRY RAMSEY, JR.
Judge, Superior Court,
Alameda County

HON. KATHRYNE A. STOLTZ
Judge, Superior Court,
Los Angeles County

HON. ROY L. WONDER
Judge, Superior Court,
City and County of San Francisco

HON. SUSAN P. FINLAY
Judge, Municipal Court,
South Bay Municipal Court District

HON. RUDOLPH R. LONCKE
Judge, Municipal Court,
Sacramento Municipal Court District

HON. B. TAM NOMOTO[2]
Judge, Municipal Court,
Central Orange County Municipal
Court District

HON. ROBERT A. BARCLAY
Judge, Justice Court,
Modoc Justice Court District

HON. DOUGLAS V. MEWHINNEY
Judge, Justice Court,
Calaveras Justice Court District

HON. BILL LOCKYER[3]
Senator, 10th District,
Alameda

HON. PHIL ISENBERG[4]
Assemblyman, 10th District,
Sacramento

MR. JOHNNIE L. COCHRAN, JR.[5]
Attorney at Law
Los Angeles

MR. PETER J. HINTON[6]
Attorney at Law
Walnut Creek

MR. KENNETH W. LARSON[5]
Attorney at Law
San Pablo

MR. DON W. MARTENS[6]
Attorney at Law
Newport Beach

MR. WILLIAM E. DAVIS
Administrative Director of the Courts
and Secretary of the Judicial Council

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1 Except as otherwise indicated, members were appointed by the Chief Justice on February 17, 1989, for two-year terms expiring January 31, 1991.

2 Appointed by the Chief Justice on August 30, 1989, vice Hon. James P. Gray.

3 Appointed by the Senate Rules Committee pursuant to article VI, section 6 of the Constitution and Senate Rule 13 of the Legislature.

4 Appointed by the Speaker of the Assembly pursuant to article VI, section 6 of the Constitution and subdivision (L) of Assembly Rule 26.

5 Appointed by the State Bar Board of Governors for a two-year term expiring January 31, 1991.

6 Appointed by the State Bar Board of Governors for a two-year term expiring January 31, 1990.

JUDICIAL COUNCIL COMMITTEES [1]

Executive Committee[2]
- Hon. Malcolm M. Lucas, Chairperson
- Hon. Edward A. Panelli, Vice-Chairperson
- Hon. Cecily Bond
- Hon. Roy L. Wonder
- Hon. Susan P. Finlay
- Mr. Don W. Martens
- Hon. Candace D. Cooper[3]

Appellate Court Committee[2]
- Hon. Edward A. Panelli, Chairperson
- Hon. Betty Barry-Deal
- Hon. Ronald M. George
- Hon. William L. Todd, Jr.
- Hon. Henry Ramsey, Jr.
- Hon. Kathryne A. Stoltz
- Hon. Bill Lockyer
- Mr. Kenneth W. Larson
- Mr. Bernard E. Witkin[3]
- Mr. Kevin A. Swanson[4]

Superior Court Committee[2]
- Hon. Cecily Bond, Chairperson
- Hon. Betty Barry-Deal
- Hon. Richard P. Byrne
- Hon. Henry Ramsey, Jr.
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- Hon. James L. Smith[9]
- Mr. B. E. Witkin[3]

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1 All listings reflect committee membership as of December 31, 1989.

2 Unless otherwise noted, members of this committee are members of the Judicial Council.

3 Advisory member.

4 Advisor.

5 One-half of the members of this committee are nominated by the State Bar for appointment by the Chairperson of the Judicial Council.

6 Judicial Council liaison.

7 An advisory committee appointed by the Chairperson of the Judicial Council with equal representation from the Judicial Council and the California Judges Association.

8 California Judges Association representative.

9 Judicial Council representative.

CHAPTER 1

REPORT OF THE

COURT MANAGEMENT COMMITTEE

In early 1989, the Court Management Committee made a number of recommendations pursuant to the five key priorities approved by the Judicial Council the previous year. The committee's recommendations regarding delay reduction, trial court improvement and other major issues were adopted by the council. In December 1989, the council's priorities were revised extensively after a lengthy comment period and now include an action plan to implement the priorities for the year 1990. (A report on the priorities and action plan approved by the Judicial Council appears at the front of this book.)

Below is a description of actions taken by the Judicial Council on committee recommendations during 1989.

Uniform rules for volunteer delay reduction courts

The Trial Court Delay Reduction Act of 1986 was amended in 1988 to require the Judicial Council to adopt uniform delay reduction rules for superior courts wishing to establish voluntary civil exemplary delay reduction programs under the act. (Gov. Code, § 68619(b)). In addition to nine mandated pilot counties, the legislation permits other counties to adopt experimental programs by local rule. At the end of 1989, 11 counties had voluntarily established experimental programs under the act for a total of 20 pilot counties.

The Chief Justice appointed a 15-member advisory committee comprising judges, court administrators and clerks, and attorneys who drafted proposed program rules and forms for new volunteer pilot courts.

The Delay Reduction Rules for Volunteer Trial Courts (rules 1901-1915) adopted by the council effective January 1, 1990, govern all general civil cases as defined, and adopt the American Bar Association case processing time standards. The key to the program is a "case management conference" 120 days after a complaint is filed that results in orders establishing a case progression plan.

Chapter 8 details elements of the exemplary civil delay reduction program for volunteer counties.

New rule governing discretionary dismissal

The council adopted rule 372 of the California Rules of Court, with seven months lead time, effective January 1, 1990, to permit discretionary dismissal for delay in prosecution if an action is not brought to trial or conditionally settled within two years after it is commenced.

The new rule was adopted under authority of Code of Civil Procedure section 583.420(a)(2)(B) that permits the council to change the three-year statutory time frame to two years. Procedure and consideration of matters relevant to a proper determination specified in rule 373 still apply.

The action was taken to reduce unnecessary delay in the resolution of litigation and to improve the administration of justice.

The two-year time frame also is consistent with the civil case processing goals adopted by the council under section 2.1 of the Standards of Judicial Administration Recommended by the Judicial Council that provide: "... by January 1, 1990, all cases should be disposed within three years of filing; and after January 1, 1991, all cases should be disposed within two years of filing."

Legislative developments

☐ *Extend sunset clause on delay reduction pilot programs*

The council directed staff to seek legislation to amend the Trial Court Delay Reduction Act of 1986 that would (a) extend the exemplary delay reduction programs under the act through December 31, 1992, and (b) permit a presiding judge to appoint replacement program judges after December 31, 1990.

Authorization to operate exemplary delay reduction programs under the act expires on December 31, 1990. Some local program rules may impose procedures in addition to, or impose time frames shorter than, those specified by statute. Extending the pilot programs through December 31, 1992, will permit programs to operate without interrruption pending (1) submission of the Judicial Council report on July 1, 1991 with recommendations to extend the program to all trial courts, (2) introduction and passage of delay reduction enabling legislation that may be required, and (3) implementation of any new delay reduction program adopted.

☐ *Voir dire pilot project*

The Advisory Committee on Voir Dire is monitoring the three-year pilot project established by legislation in the superior courts of Fresno and Santa Cruz Counties.

☐ *Court records management policies*

The council directed staff to seek legislation to give the Judicial Council jurisdiction over court records management and retention policies through its rule-making authority, a request that was submitted by the Association of Municipal Court Clerks.

An integral component of the trial court delay reduction effort is a well-managed records program. There appears to be a need for the development of statewide uniform and comprehensive records retention policies and schedules, as well as statewide guidance in the application of new electronic records reproduction and storage technology through testing and development of standards.

☐ *Minimum business hours for courts*

The council also directed staff to seek legislation to establish minimum and uniform business hours for the courts.

Information reports

The committee considered staff reports on the status of ongoing projects.

These included: (1) two reports showing progress of the nine exemplary delay reduction courts in achieving civil case processing time standards during the second year of the three-year pilot program under the Trial Court Delay Reduction Act of 1986, (2) revised superior court statistical reporting regulations and forms under the act to provide for reporting under a separate heading, the "Number of Cases Pending at the End of the Month Not Under Court's Control" under rule 225, and adopted by order of the Chief Justice effective January 1, 1990, and (3) summary of a national meeting of judicial leaders from the nine most populous states on the effect of drug-related cases on the courts.

The latter generated much discussion on a course of action to confront the crisis in California, including gathering of empirical data on drug-related cases processed by the courts, obtaining views and suggestions of judges by convening a consortium of criminal court presiding judges, and publicizing that judges have a duty to educate the public on the effects of the drug crisis.

Trial court funding

The committee received informational reports on the status of the Trial Court Funding Act of 1985 (Stats. 1985, ch. 1603 as amended by Stats. 1987, ch. 1211, and repealed and replaced by Stats. 1988, chs. 944 and 945, the Brown-Presley Trial Court Funding Act).

The council adopted a position statement, sent to all trial court judges, that retirement or other benefits should not be obtained through the Trial Court Funding Act and that court approval for county participation in the program be maintained.

Weighted caseload

The assumptions and statistical bases of the weighted caseload system and various problems in the production of judgeship needs reports continue to be studied.

The Orange County Superior Court presiding judge and court administrator addressed the commit-

tee on inequities in the present system and as applied to that county, urging immediate revision of the system.

The committee reviewed informational reports on development of a proposed alternate system under the Court Profiles project.

Audio and video recording
Staff was directed to transmit to the Legislature a report on the audio and video recording of oral proceedings demonstration projects under Code of Civil Procedure section 270.

Staff also was directed to seek legislation removing statutory obstacles that discourage or restrict the use of audio or video recording to create the record of oral proceedings.

Technical specifications for audio and video equipment were adopted by rule 980.6 after circulation for statewide comment.

STATSCAN project
The council approved a report on the STATSCAN project and directed the Secretary of the Judicial Council to forward the report to the Legislature.

The STATSCAN and Sustain projects provide selected trial court with the ability to automate statistical collection and management of cases.

Training
The council adopted Standard of Judicial Administration section 25 to establish standards for judicial education, and conforming amendments to rules 205 and 532.5 dealing with the duties of presiding judges.

The standard provides guidance to presiding judges in allocating time for judicial education for judges of their courts and suggests a reasonable standard that allows individual judges to compare their education efforts with the standard.

Several conferences and training sessions were conducted by staff to help judges and court staff implement trial court delay reduction.

Other Actions and Recommendations

The council directed staff to seek urgency legislation amending specified Government Code sections so that travel expenses of judges assigned to trial courts outside their home counties will be paid under Board of Control rules.

Beginning July 1, 1990, the Administrative Office of the Courts will pay these judges' travel expenses. Staff also was directed to seek an amendment to clarify that the county will continue to pay the travel expenses of a superior court judge assigned to another court within the judge's home county.

The Sacramento County Board of Supervisors under Government Code § 69752(c) requested the advice and recommendations of the Judicial Council on establishing a court facility in the City of Folsom adjacent to Folsom State Prison.

The staff conducted a study and prepared a report recommending against the establishment of that court facility. After review by the Court Management Committee, the council approved the report and directed that the report be transmitted to the board.

The council approved a revised conflict of interest code for the Commission on Judicial Performance employees. It approved guidelines for the administration of grant programs authorized by the Judicial Council as stated in Volume I, "Project Management and Reporting," of the Grant Program Manual.

Status reports on the ongoing study of gender bias in the court system were received. The Gender Bias Advisory Committee will present its final report early in 1990.

Court Management Committee

Hon. Roy L. Wonder
Judge, Superior Court
San Francisco County

Hon. Ronald M. George
Associate Justice
Court of Appeal
Second Appellate District
Division Four

Hon. William L. Todd, Jr.
Associate Justice
Court of Appeal
Fourth Appellate District
Division One

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Presiding Judge
Superior Court
Los Angeles County

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Judge, Superior Court
Alameda County

Hon. Susan P. Finlay
Judge, Municipal Court
San Diego County

Hon. B. Tam Nomoto
Judge, Municipal Court
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Hon. Douglas V. Mewhinney
Judge, Justice Court
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Hon. Phil Isenberg
Member of the Assembly

Mr. Kevin R. Culhane
Attorney at Law
Sacramento

Ms. Louise A. La Mothe
Attorney at Law
Los Angeles

Hon. John C. Woolley
California Judges Association
Judge, Superior Court
Los Angeles
Advisory Member

Mr. Ken Torre
Association for Superior Court
Administration, Executive
Officer/Jury Commissioner
San Mateo County

CHAPTER 2

REPORT OF THE

APPELLATE COURT COMMITTEE

During 1989, the Appellate Court Committee considered several delay reduction proposals and reviewed extensive bar comment on them. In addition, the committee took various actions to improve the efficiency of the appellate process.

The most significant committee recommendations adopted by the Judicial Council during the year were:

- ☐ Imposing a 75-page limit on briefs in criminal cases and a 200-page limit on principal briefs in death penalty cases, both subject to the Chief Justice's or presiding justice's power to permit longer briefs (rule 37);
- ☐ Eliminating the automatic waiting time during which the record on appeal was held in the trial court awaiting possible requests for correction (rules 8 and 35);
- ☐ Defining "date of filing" of a brief, or petition for rehearing, or review, to include the date of mailing via certified or express mail, or delivery to a common carrier promising overnight delivery, so as to equalize the positions of attorneys remote from the appellate court and attorneys who are close to the clerk's office (rule 40(m));
- ☐ Adopting a standard list of criteria for consideration in deciding whether to grant a request for an extension in briefing time (new rule 45.5);
- ☐ Supporting legislation to limit appeals of sanction orders below a threshold amount; and
- ☐ Rule changes to assure that all communications between the court and a jury are included in the record on appeal in a criminal case, and are available in a civil case (rules 33 and 231).

1990 Proposals

The committee expects to consider these major additional delay reduction proposals during 1990:

- ☐ *Rule 2*
  Reduce the time for civil notice of appeal from 60 to 30 days in most cases.
- ☐ *Rule 4*
  Require securing the reporter's estimate in advance and paying it when designation is filed, or paying a flat sum per day at that time.
- ☐ *Rules 16 and 37*
  Change briefing times to 40-40-30 days. Change authority of the parties to stipulate to extensions for briefs without court approval to 30-30-20 days (instead of 60 days per brief).
- ☐ *Rule 17*
  Reduce the time for notice before default to 15 days.
- ☐ *Rule 31*
  Require counsel assisting a criminal defendant in filing an appeal to serve a copy of the notice of appeal on the reporter and require the reporter to begin work on transcript at that time.
- ☐ *Rule 35*
  Provide that the obligation to begin the reporter's transcript begins with conviction by trial of offense with minimum sentence of three or more years or any conviction of felony where probation is prohibited.
- ☐ *Rule 45(f)*
  Require counsel to show that copy of stipulation or request for time extension has been delivered to party represented.
- ☐ *New section 25 of Standards of Judicial Administration*
  A revised proposal to suggest a standard of six months after completion of briefing for the *decision* of an appeal.

The committee also expects to consider a possible constitutional amendment to authorize federal appellate courts to receive from the state Supreme Court definitive statements of California law on new and important questions.

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Court of Appeal
First Appellate District
Division Three

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Associate Justice
Court of Appeal
Second Appellate District
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Associate Justice
Court of Appeal
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Judge, Superior Court
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Judge, Superior Court
Los Angeles County

Hon. Bill Lockyer
Member of the Senate
Sacramento

Mr. Kenneth W. Larson
Attorney at Law
San Pablo

Mr. Bernard E. Witkin
Advisory Member

Mr. Kevin A. Swanson
Advisory Member

CHAPTER 3

REPORT OF THE

SUPERIOR COURT COMMITTEE

During 1989, the Superior Court Committee took the following actions:

☐ The committee recommended and the council approved the adoption, effective July 1, 1989, of section 24 of the Standards of Judicial Administration relating to the duties of the juvenile court judge, with comments of the Juvenile Court Law Advisory Committee.

☐ The committee recommended and the council adopted a *Pamphlet for Guardianships of Dependent Children of the Juvenile Court.*

The pamphlet, which will be distributed by juvenile courts to guardians under sections 366.25 and 366.26 of the Welfare and Institutions Code, was required to be adopted by section 58511.1 of the Government Code.

The pamphlet, in English and Spanish, uses simple language to explain the nature of guardianship of minors and the rights, duties and obligations of guardians.

☐ The committee recommended and the council adopted extensive amendments to the Juvenile Court Rules proposed by the Advisory Committee on Juvenile Court Law.

The rules were restructured and renumbered for easier use and were divided into three sections: a general provision section; a section on cases petitioned under section 300 of the Welfare and Institutions Code; and a section on cases petitioned under sections 601 and 602 of the Welfare and Institutions Code.

The changes in the rules were drafted to conform to legislation and case law changes in recent years.

☐ The committee recommended and the council adopted, effective July 1, 1989, rule 490 to require the court to give notice to interested persons of (1) the proceeding to set a date for execution of a death penalty and (2) the date set for the execution.

☐ The committee accepted the final report of the Change of Venue Advisory Committee.

Based on the report, the committee recommended and the council adopted, effective July 1, 1989, Standards of Judicial Administration section 4, Policies to be considered before ordering and transferring a criminal case on change of venue; section 4.1, Change of venue case to be tried by judge from county where the case originated — criminal case; and section 4.2, Guidelines for reimbursement of costs in change of venue cases — criminal case.

The committee also approved the Change of Venue Information Sheet, effective July 1, 1989.

☐ After receiving a staff report on the use of private judges, the committee recommended that the Chief Justice be requested to appoint an advisory committee to study the use of private judges and to report to the Judicial Council.

The Judicial Council approved the recommendation.

☐ On recommendation of the Advisory Committee on Family Law, the committee recommended and the council adopted Standards of Judicial Administration section 20.5 to establish guidelines for the appointment of counsel for children in family law cases in specified instances.

☐ The committee also recommended and the council concurred, that legislation be sought to increase eligibility for summary dissolutions.

This would be accomplished by amending the summary dissolution statute to eliminate the limitation on the length of the marriage, increase the amount of property couples could own, and add a reference to pension and retirement funds.

☐ The committee approved a report to the Legislature on the feasibility of establishing a fund to compensate court-appointed counsel for minors in family law cases involving contested custody and visitation.

Staff was instructed to seek legislation to implement the report's recommendation that such representation be funded through state funding of the trial courts.

The committee approved and the council concurred in approving program guidelines for optional use by local Court Appointed Special Advocate (CASA) programs to assist abused and neglected children who are the subject of judicial proceedings.

☐ The council adopted the committee's recommended allocation of 75 superior court departments to serve as demonstration projects for electronic recordings.

☐ The committee recommended and the council concurred that staff seek legislation allowing a county to pay additional compensation to retired judges assigned by the Chief Justice.

☐ The committee also recommended, and the council approved, new and amended rules and forms, including: mandatory and optional probate and family law forms to conform to recent legislation; mandatory forms for use in reporting sentencing dispositions in felony criminal cases, effective April 1, 1990; mandatory forms for use in wage garnishment proceedings and interceptions of tax and lottery winnings to collect support arrearages; and mandatory forms for restraining orders and custody orders in juvenile courts, together with rules specifying the procedure for obtaining and filing the orders.

Superior Court Committee

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Presiding Judge, Superior Court,
Sacramento County

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Associate Justice
Court of Appeal
First Appellate District
Division Three

Hon. Robert A. Barclay
Judge, Justice Court
Modoc Justice Court
District

Hon. Richard P. Byrne
Presiding Judge
Superior Court,
Los Angeles County

Hon. Rudolph R. Loncke
Judge, Municipal Court
Sacramento

Hon. Henry Ramsey, Jr.
Judge, Superior Court
Alameda County

Hon. Kathryne A. Stoltz
Judge, Superior Court
Los Angeles County

Hon. Roy L. Wonder
Judge, Superior Court,
San Francisco County

Hon. Bill Lockyer
Member of the Senate
Sacramento

Mr. Johnnie L. Cochran, Jr.
Attorney at Law
Los Angeles

Mr. Kenneth W. Larson
Attorney at Law
San Pablo

Mr. Howard Hanson
Advisory Member

CHAPTER 4

REPORT OF THE

MUNICIPAL & JUSTICE COURT COMMITTEE

During 1989, the Municipal and Justice Court Committee continued its focus on lower court delay reduction, rural court issues, and public perception of the courts. The committee took the following actions and made the following recommendations to the Judicial Council during 1989:

Lower court delay reduction

The committee made several recommendations to the council to reduce delay in the lower courts. After studying the issue of lower court case-processing time standards, it recommended, and the council adopted, standards that provide for disposition of cases in the following time periods:

- *General Civil Cases:* 90 percent within 12 months after filing; 98 percent within 18 months after filing, and 100 percent within 24 months after filing.
- *Small Claims Cases:* 100 percent within 30 days after filing if all defendants reside within the county and 60 days after filing if a defendant resides outside the county.
- *Unlawful Detainer Cases:* 90 percent within 30 days after filing; 100 percent within 45 days.
- *Misdemeanor Cases:* 90 percent within 30 days after the defendant's first court appearance, 98 percent within 90 days after the defendant's first court appearance, and 100 percent within 120 days after the defendant's first court appearance.
- *Felony Preliminary Examinations:* 90 percent within 30 days after the defendant's first court appearance, 98 percent within 45 days after the defendant's first court appearance, and 100 percent within 90 days after the defendant's first court appearance.

Traffic and small claims
On recommendation of the Municipal and Justice Court Committee, the council sponsored legislation (Senate Bill No. 1137 (Marks)), signed by the Governor and enacted in law effective January 1, 1990, that significantly affects small claims court procedures, including advisor programs. The bill mandates that a portion of the small claims court filing fees be used to fund the county advisor programs and sets forth certain minimum standards for the advisory services. The bill also directs the council to promulgate rules to ensure that litigants receive adequate notice of available assistance, to prescribe training standards for advisors and temporary judges hearing small claims cases, and to prescribe appropriate uniform rules and procedures in small claims matters.

The council also approved a committee recommendation to amend, effective July 1, 1989, the council's List of Approved Costs adopted under rule 810 to delete the sunset provision for small claims advisor program costs, making the costs a permanent part of the list. This change enables a county to fund its programs from trial court funding block grants.

In response to Senate Bill No. 1137 and other legislative changes affecting small claims court, the committee recommended, and the council adopted effective January 1, 1990, one new small claims court form, Request to Pay Judgment to Court (SC-145), and revised five other forms, Plaintiff's Claim and Order to Defendant (SC-100), Plaintiff's Claim and Order to Defendant – Unlawful Detainer (SC-110), Notice of Entry of Judgment (SC-130), Information After Judgment (SC-131), Information for the Plaintiff (SC-150).

After considering revisions to the Uniform Bail Schedules for use under rule 850, the committee recommended that the council adopt the schedules effective January 1, 1990 (with the exception of the provisions relating to prior convictions), with the understanding that each court will implement the changes by July 1, 1990. The council approved this recommendation and asked staff to study the propriety of courts using prior convictions within the past 36 months to enhance total bail.

Further, the Municipal and Justice Court Committee recommended, and the council adopted for mandatory use effective January 1, 1990, the following revised traffic forms: Traffic Notice to Appear, Nontraffic Notice to Appear, Traffic/Nontraffic Notice to Appear, and Continuation Form. On recommendation of the committee, the council also adopted the policies and procedures contained in the Notice to Appear Forms Manual, developed by staff.

Fines, forfeitures and penalty assessments
The Municipal and Justice Court Committee discussed the problems inherent in the area of payment and distribution of money collected from fines, forfeitures and penalty assessments in traffic and parking cases, as well as a growing public perception of the courts as tax collector.

After considering a proposal to simplify the distribution of fines, forfeitures and penalty assessments, the committee directed staff to report on the administrative costs of distributing these funds as well as the need to advise defendants of the total amount due for a violation.

To further assist the committee in studying these issues, in September 1989, a Committee on Fines, Forfeitures and Penalty Assessments was appointed to study the development of a simplified system of distribution and accounting and propose recommendations to the Municipal and Justice Court Committee.

Court consolidation studies
The committee also considered two court consolidation studies and reports completed by staff during 1989. It approved a report recommending that Fresno County's existing municipal court district and eight justice court districts be consolidated into three municipal court districts.

It also approved a report recommending that the county should consolidate the three existing Madera County justice court districts into one unified municipal court district with three full-time judicial positions and establish a full or limited service branch court in Chowchilla, only if the court retains the Sierra Justice Court District until it can support a full-time judicial position.

The council approved both recommendations and the reports were transmitted to the board of supervisors for the respective counties.

Rural and justice courts
The committee recommended, and the council adopted effective July 1, 1989, technical amendments to rule 750. On the committee's recommendation, the council also adopted rule 751 to determine the salary of a part-time justice court judge in an option county by using the same formula as that used to compute the block grants under the Brown-Presley Trial Court Funding Act of 1988.

It also referred to staff for study the following recommendations from the Justice Court Management Committee of the California Judges Association: (1) develop an audit system for the monthly workload statistics reported by trial courts, (2) give priority to justice courts in the Court Profiles Project, and (3) include justice courts in the next lower-court weighted caseload study.

The Municipal and Justice Court Committee considered a report by the Advisory Committee on the Administration of Justice in the Rural Counties recommending that the state's municipal and justice courts be restructured into district courts.

This proposal was designed to improve the administration of justice in the rural counties by

- ☐ eliminating the remaining distinctions between the two lower courts;
- ☐ permitting organization of district courts or branches into circuits for purposes of regional resource sharing;
- ☐ providing for the assignment of judges within a regional assignment area;
- ☐ providing educational opportunities that facilitate the ability of all judges to perform judicial duties in the superior and district courts;
- ☐ relieving the financial burden of assignment reimbursements; and
- ☐ providing justice courts with the authority to appoint subordinate judicial officers.

Although the committee recommended that the council approve the proposal, the council deferred action and asked the advisory committee to issue a further report on the impact the proposal would have on metropolitan courts.

The council accepted the recommendation of the committee to establish training programs that help all judges perform judicial duties in the superior, municipal, and justice courts.

Municipal and Justice Court Committee

Hon. Susan P. Finlay, Chair
Judge, Municipal Court
South Bay Municipal Court District

Hon. Cecily Bond
Judge, Superior Court
Sacramento County

Hon. Richard P. Byrne
Judge, Superior Court
Los Angeles County

Hon. Rudolph R. Loncke
Judge, Municipal Court
Sacramento County

Hon. B. Tam Nomoto
Judge, Municipal Court
Central Orange County Municipal Court District

Hon. Robert A. Barclay
Judge, Justice Court
Modoc Justice Court District

Hon. Douglas V. Mewhinney
Judge, Justice Court
Calaveras Judicial District

Hon. Phil Isenberg
Member of the Assembly

Mr. Johnnie L. Cochran, Jr.
Attorney at Law
Los Angeles

Mr. Peter J. Hinton
Attorney at Law
Walnut Creek

Ms. Sharon A. Lear
Association of Municipal Court Clerks
Assistant Court Administrator
North County Municipal Court District
Advisory Member

CHAPTER 5

JUDICIAL COUNCIL ADVISORY COMMITTEES

The Judicial Council performs most of its work through standing and advisory committees.

Under Government Code section 68501, the chairperson of the council may appoint "committees composed of judges, retired judges, attorneys and experts in specialized fields, or any combination thereof, to advise with the Judicial Council in studying the condition of business in the several courts and the means for simplifying and improving the administration of justice and in the performance of any other duties of the council authorized or imposed by law."

The four standing committees comprise Judicial Council members and their membership changes along with council membership.

The advisory committees generally consist of noncouncil members comprising judges, attorneys, court staff and others who are not members of the council, appointed for the duration of a specific project or study. Their reports and recommendations usually are received by a standing committee and forwarded to the Judicial Council for action.

This chapter contains summaries of the mandates, priorities and activities of the council's 15 advisory committees, excluding the Advisory Committee on Legal Forms report, which appears in chapter 16.

Advisory Committee on the Administration of Justice in the Rural Counties

This 18-member advisory committee, formed in 1988, is charged with conducting a statewide review of rural county courts with particular focus on the structure, organization, and support of the rural courts, management of judicial resources and priorities for the use of those resources, and availability of judges to accept statewide assignments.

During 1989, the committee held five meetings and addressed a wide range of issues and problems facing courts in the state's rural areas.

Based on its findings, the committee determined that two separate types of lower courts are no longer appropriate to the administration of justice in California, particularly in rural areas.

District court proposal

The committee submitted its report and recommendations on a proposal to restructure the lower courts into district courts ("district court proposal") to the Judicial Council in late 1989. Recommended changes require constitutional and statutory amendments.

The council circulated the amended proposal for comment and will reconsider the committee's report and recommendations in September 1990.

The key features of the district court proposal are:

- Every municipal and justice court that exists on the effective date of the constitutional amendment would become a "district court." The Legislature would provide for organization of the district courts. All existing court locations would be retained as branch district courts.
- A district court could, by statute, be divided into one or more branches after a recommendation by the Judicial Council and with the concurrence of a majority of the judges within the court district. Two or more courts or branches could be organized, by their agreement, into one or more "circuits" for regional resource sharing or administrative purposes. A court district or its branches could be included within more than one circuit.
- Justice courts would be given the authority to appoint subordinate judicial officers. The financial burden imposed on the rural counties for the services of assigned judges would be relieved.
- The Legislature would prescribe for each court the number, qualifications, and compensation of judges, officers, and employees.
- A person would be eligible for district court judge if the person has been a member of the State Bar for five years immediately preceding selection. The Governor would fill the vacancy in a district court.

Advisory Committee on the Administration of Justice in the Rural Counties

Hon. Warren C. Conklin, Chair
Judge, Superior Court
San Luis Obispo County

Hon. Robert A. Barclay,
Vice-Chair
Judge, Justice Court
Modoc Justice Court District

Hon. John E. Buffington
Judge, Superior Court
Humboldt County

Hon. John J. Golden
Judge, Superior Court
Lake County

Hon. Donald R. Kennedy
Judge, Superior Court
Shasta County

Hon. Donna Petre
Judge, Superior Court
Yolo County

Hon. Thomas A. Smith
Judge, Municipal Court
El Dorado County

Hon. Anthony W. Ishii
Judge, Parlier-Selma Justice
Court District

Hon. John L. Loomis
Judge, Trinity County Justice
Court District

Mr. Robert Wandruff
Clerk, California Supreme Court
San Francisco

Ms. Kim Frayer
Executive Officer
Lassen County Superior Court
Susanville

Ms. Roberta March Norton
Clerk, Calaveras Justice Court
District
San Andreas

Mr. John P. Sloane
Clerk, Bear Valley Justice Court
District

Mr. Dave Richmond
District Attorney
Amador County

Mr. Louis S. Haffner
Public Defender
Yolo County

Mr. Phil D. Eoff
Sheriff
Shasta County

Mr. Kenneth E. Cater
Chief Probation Officer
Probation Department
El Dorado County

Mr. Dennis J. Gravelle
Clerk/Court Administrator
Northern Solano Municipal
Court District

- ☐ All existing municipal and justice court judges would succeed to the initial offices of district court judges and would be retained as full-time judicial officers. Each court district and branch would be provided with an adequate number of full-time judges.
- ☐ District court judges would be obligated to accept assignments to other courts when the business of the home court has been completed, pursuant to the constitutional provisions on assignments. Existing educational programs would be expanded to provide all district court judges with training specific to the duties of district and superior court judges.

Adopted recommendations

At the 1989 meeting, the council adopted the following recommendations:

- ☐ Request the Chief Justice to consider adopting assignment policies that facilitate implementation of a regional assignment system by using superior and district court judges first within their home counties, then from neighboring counties, and finally from other areas of the state.
- ☐ Provide educational opportunities that facilitate the ability of all judges to perform judicial duties in the superior and district courts.
- ☐ Seek legislation to delete all references to receiving county reimbursements for services of an assigned judge.
- ☐ Seek legislation to amend Government Code sections 72190, 72190.1, and 72190.2 to provide justice courts with the authority to appoint subordinate judicial officers.

Advisory Committee on Court Facilities

The 16-member Judicial Advisory Committee on Court Facilities was appointed by Chief Justice Malcolm Lucas in May 1989 to develop design standards for courthouse construction in California's trial courts.

Periodic tours are conducted as part of the committee's strategy to explore the current status of court facilities in California and incorporate positive design elements in the facilities guidelines.

Existing standards in 18 other states and federal guidelines were included in a draft composite matrix report for consideration in the development of California court standards.

The Advisory Committee on Court Facilities was divided into six subcommittees, each of which will prepare specific recommended standards according to type of court. The subcommittees comprise:

- ☐ Juvenile Court
- ☐ Family Court and Superior Court Appellate Division
- ☐ Preliminary Hearing; Arraignment and Criminal Master Calendar; and Traffic Court
- ☐ Regional Civil Megatrial Court; Civil Master Calendar; and Small claims
- ☐ Standard (Traditional) Trial Court; Clerk's Office and Other Issues
- ☐ Innovative Trial Courts; ADR

In the upcoming year, the committee also plans to study the need to remodel and update current facilities and research funding strategies and sources.

Advisory Committee on Court Facilities

Hon. Conrad L. Rushing, Chair
Judge, Superior Court
Santa Clara County

Hon. Richard J. Beacom
Judge, Superior Court
Orange County

Hon. Philip M. Saeta
Judge, Superior Court
Los Angeles County

Hon. Alice A. Lytle
Judge, Municipal Court
Sacramento

Hon. Victor Emanuel Ramirez
Judge, North County
Municipal Court

Hon. Lillian Kwok Sing
Judge, San Francisco
Municipal Court

Mr. Edward M. Kritzman
Court Administrator
Los Angeles Municipal Court

Mr. Martin J. Moshier
County Clerk/Executive Officer
San Bernardino County

Mr. Kenneth A. Pettit
County Clerk
Santa Barbara County

Ms. Karoline J. Sheffield
Juvenile Court Coordinator
Orange Superior Court

Mr. Lee Yoder
Director, Family Court Services
Sacramento County

Mr. Glenn A. Fait
Associate Dean
McGeorge School of Law

Mr. Michael E. Nail
District Attorney
Solano County

Ms. Margaret Scully
Deputy Public Defender
Los Angeles County

Mr. Robert L. Simmons
Professor of Law
University of San Diego School of Law

Mr. David M. Harney
Attorney at Law, Los Angeles

Advisory Committee on the Eight-Member Civil Jury Experiment

During 1989, a pilot project established by 1986 legislation was completed and a report was presented to the Judicial Council in May 1990. The project compared the performance of eight- and 12-person juries in Los Angeles County Municipal and Justice courts between July 1, 1987 and July 1, 1989.

In 1980, article I, section 16, of the California Constitution was amended to permit the Legislature to provide for juries of eight persons or less in municipal and justice court civil cases when agreed upon by the parties in open court.

To determine whether eight-member juries would render verdicts similar to 12-member juries in similar cases, the Legislature added section 194.5 to the Code of Civil Procedure. This section provided for an experimental three-year project in Los Angeles County to determine the effect, if any, of smaller juries on the representation of women and minority groups on jury panels and on the administration of justice.

Due to lack of funding, that experiment was inconclusive, but the report to the Legislature recommended it be repeated with adequate funding and a suitable control group.

The Advisory Committee on the Eight-Member Civil Jury Experiment was established in 1987 for the purpose of making recommendations regarding the experiment design.

The comparison in the 1987-89 pilot project includes: measurement of cross-sectional representation of the community; numbers of verdicts favoring plaintiffs or defendants, and size of awards; accuracy, consistency, and reliability of awards; time required for impanelment, trial, and deliberations; and public and private costs of the jury.

Advisory Committee on the Eight-Member Civil Jury Experiment

Hon. Richard A. Paez, Chair
Judge, Municipal Court
Los Angeles Municipal Court District

Hon. Phillip J. Argento
Judge, Municipal Court
Pasadena Municipal Court District

Hon. Gibson W. Lee
Judge, Municipal Court
Long Beach Municipal Court District

Hon. Thomas A. Peterson
Judge, Municipal Court
Pomona Municipal Court District

Mr. Earl S. Bradley
Court Administrator/Clerk
Pasadena Municipal Court District

Ms. Barbara Cristino
Assistant Court Administrator
Long Beach Municipal Court District

Mr. Anthony C. Filosa
Deputy Court Administrator
Los Angeles Municipal Court District

Mr. James E. Gardner
Clerk/Administrative Officer
Pomona Municipal Court District

Ms. Diane Gray
Supervisor, Civil Division
Pomona Municipal Court District

Mr. Edward M. Kritzman
Court Administrator
Los Angeles Municipal Court District

Mr. Allan B. Lott
Chief, Civil Division
Los Angeles Municipal Court District

Mr. Darold Shirwo
Attorney at Law
Beverly Hills

The National Center for State Courts (NCSC) was selected to provide technical assistance and consultative services to the Judicial Council in conducting the pilot project.

The NCSC recommended that the experiment be conducted in the four Los Angeles County municipal court districts that had held 72 percent of the total municipal civil jury trials in Los Angeles County during the three years prior to 1987.

These courts – Long Beach, Los Angeles, Pasadena, and Pomona – also represent diverse geographical and population samples of the county.

The second year of data collection for the project began July 1, 1988, and ended July 1, 1989. An extremely high level of cooperation from court and jury division personnel, the bar, and jurors continued throughout the data collection period.

Pending resolution of some issues by the NCSC, the final report will be presented to the Judicial Council.

Advisory Committee on Family Court Services

The Judicial Council is mandated by Civil Code sections 5180-5183 to coordinate all child custody mediation and family conciliation services in California family courts. It also is mandated to provide services in five areas, one of which is a research grant program that provides for an advisory committee.

The Advisory Committee on Family Court Services, formed in 1988, has the following major functions that were implemented during 1989:

- ☐ recommend criteria for determining grant recipients for research and demonstration projects;
- ☐ review grant requests;
- ☐ make recommendations on selected grant proposals to the Judicial Council;
- ☐ review progress of ongoing grant projects; and
- ☐ report on the results of the research grants awarded by the council.

The committee also can act in an advisory capacity to the program in general.

Advisory Committee on Family Court Services

Hon. Richard M. Silver, Chair
Judge, Superior Court
Monterey County

Hon. Thomas Ray Murphy
Judge, Superior Court
San Diego County

Mr. Clarence (Buzz) Walters
Attorney at Law
Sacramento

Mr. Van O. Kinney
Attorney at Law
Redding

Ken Torre
Association for Superior Court Administration,
Executive Officer/Jury Commissioner
San Mateo County

Mr. Lynn O. Bundy
Family Court Services
Madera County

Ms. Mary Duryee
Director
Family Court Services
Alameda County Superior Court

Ms. Cathy Lyman
Child Custody Investigations/
Mediation Office
Siskiyou County

Ms. Jan Shaw
Family Conciliation Court
Orange County

Carol Federighi -
Member of the Public
Contra Costa County

Mr. David Kuroda
Torrance Conciliation Court
Torrance

Advisory Committee on Family Law

The Judicial Council plays a significant role in the implementation of the Family Law Act.

Civil Code section 4001 directs the council to adopt rules implementing the act, "notwithstanding any other provision of law."

Following a Judicial Council recommendation, the Chief Justice in 1987 appointed an 18-member advisory committee with a broad mandate to make recommendations in the area of family law.

Since then, the advisory committee has identified and systematically reviewed family law issues and problem areas, and has made a number of recommendations to the council regarding specific legislation.

During 1989, on the committee's recommendation, the Judicial Council voted to sponsor legislation expanding eligibility for summary dissolution proceedings.

It also adopted Standard of Judicial Administration section 20.5 to provide guidelines for family law judges considering appointment of counsel for children in family law proceedings.

At the committee's urging, the Judicial Council is encouraging state trial court funding of payments for such attorneys, when the parties are unable to pay.

Finally, the committee is helping to develop a new collection system for family law statistics.

The following issues remain under active study by the committee during 1990:

- ☐ Enhanced family law assignments for judges
- ☐ Training of family law judges
- ☐ Videotaped training of family law judges
- ☐ Immunity for court-appointed and volunteer attorneys
- ☐ Decreasing the attorney time per case
- ☐ Innovative calendaring and pretrial procedures
- ☐ Study of local family law rules and development of superseding statewide rules
- ☐ Meet and confer rules
- ☐ Simplified admissibility of computerized support calculations
- ☐ Basis for determination of best interest of the child
- ☐ Standards for the conduct of evaluations and the use of evaluation reports
- ☐ Basis for joint custody orders
- ☐ Theory and valuation of goodwill
- ☐ Relationship between Agnos formula and discretionary child support schedules

Advisory Committee on Family Law

Hon. Anthony C. Joseph, Chair
Judge, Superior Court
San Diego County

Hon. Rodney Davis
Associate Justice
Court of Appeal
Third Appellate District

Hon. Donald B. King
Associate Justice
Court of Appeal
First Appellate District

Hon. Melinda A. Johnson
Judge, Superior Court
Ventura County

Hon. Billy G. Mills
Judge, Superior Court
Los Angeles County

Hon. Rex H. Sater
Judge, Superior Court
Sonoma County

Hon. Beverly Bloch Savitt
Judge, Superior Court
Marin County

Hon. James W. Stewart
Judge, Superior Court
Santa Clara County

Hon. John C. Woolley
Judge, Superior Court
Orange County

Hon. Robert Schnider
Commissioner, Superior Court
Los Angeles County

Mr. Hugh McIsaac, Director
Family Court Services
Los Angeles County

Mr. George O. Neilsen
District Attorney's Office
San Francisco

Mr. Lee Palmer
Assistant County Clerk
Fresno County

Ms. Margaret Anderson
Attorney at Law
Santa Rosa

Mr. Irwin Buter
Attorney at Law
Los Angeles

Mr. Christopher F. Emley
Attorney at Law
San Francisco

Ms. Suzanne Harris
Attorney at Law
Los Angeles

Ms. Patricia Phillips
Attorney at Law
Los Angeles

Ms. Diana Richmond
Attorney at Law
San Francisco

Advisory Committee on Gender Bias in the Courts

This advisory committee, appointed by two Chief Justices, was created following a recommendation of the Judicial Council in December 1986. It is responsible for examining gender bias in the California courts, gathering information, and making recommendations to the Judicial Council. The committee is scheduled to issue a draft report in March 1990 that will contain specific recommendations to correct problems of gender bias in the courts.

During 1989, the advisory committee conducted a comprehensive review of gender bias issues.

The issues included: courtroom interaction; judicial branch employment practices, and other issues of court administration; gender bias within the judiciary; selection of court-appointed counsel; jury instructions; domestic violence; custody; child support; economic consequences of dissolution; family law education and assignment procedures; and juvenile and criminal law.

Public hearings

During 1989, the committee conducted five public hearings in Los Angeles, San Diego, San Francisco, Sacramento, and Fresno.

Chief Justice Malcolm M. Lucas welcomed participants to the Sacramento hearing, also attended by then American Bar Association President Robert D. Raven. Colin W. Wied, the 1989 president of the State Bar of California, attended the San Diego hearing.

In addition, many local presiding judges and bar presidents and more than 150 witnesses and spectators attended the hearings. Testimony came from experts in the fields of civil litigation, domestic violence, family law, juvenile law, criminal law, and court administration. Open-mike periods allowed members of the public to report their court experiences.

Site visits

The committee also conducted two site visits to women's jails in Los Angeles County: the Sybil Brand Institute and Mira Loma facilities.

More than 100 female inmates talked to committee members about problems in the dependency court, parent and child visits, and medical care.

Judges' survey

In May 1989, Chief Justice Lucas invited all California judges to participate in a survey covering issues of concern to the advisory committee. Approximately 73 percent of the judges responded.

The survey results will provide valuable information to the committee and will be included in its report to the Judicial Council.

National conference

Advisory committee members also participated in the National Conference on Gender Bias held in May at the National Center for State Courts. Members compared issues and shared information with similar committees from approximately 25 states attempting to correct problems of gender bias in the courts.

Advisory Committee on Gender Bias in the Courts

Hon. David M. Rothman,
Co-chair
Judge, Superior Court
Los Angeles County

Hon. Diane Watson, Co-chair
Member of the Senate
Twenty-eighth Senatorial District

Hon. Judith C. Chirlin, Vice-chair
Judge, Superior Court
Los Angeles County

Hon. Norman L. Epstein
Judge, Superior Court
Los Angeles County

Hon. Lisa Hill Fenning
Court Administration
Subcommittee Chair
Judge, United States Bankruptcy
Court
Los Angeles

Hon. Judith Donna Ford
Judge, Municipal Court
Oakland-Piedmont-Emeryville
Municipal Court District

Hon. Elwood Lui
Former Committee Co-chair,
Retired Associate Justice
Court of Appeal,
Second Appellate District,
Division Three

Hon. Alice A. Lytle
Judge, Municipal Court
Sacramento Municipal
Court District

Hon. Frances Munoz
Judge, Municipal Court
Orange County Harbor
Municipal Court
District

Hon. Judith McConnell
Judge, Superior Court
San Diego County

Hon. Linda Hodge McLaughlin
Judge, Superior Court
Orange County

Hon. Sheila F. Pokras
Judge, Superior Court
Los Angeles County

Hon. Sara K. Radin
Judge, Superior Court
Los Angeles County

Hon. Brian L. Rix
Judge, Municipal Court
North (Butte) County Municipal
Court District

Hon. Fern M. Smith
Judge, United States District
Court,
Northern District of California

Hon. Sheila Prell Sonenshine
Associate Justice,
Court of Appeal,
Fourth Appellate District,
Division Three

Hon. Meredith C. Taylor
Family Law Subcommittee Chair
Judge, Superior Court
Los Angeles County

Hon. Jack Tenner
Judge, Superior Court
Los Angeles County

Hon. Kathryn Doi Todd
Criminal and Juvenile Law
Subcommittee Chair
Judge, Superior Court
Los Angeles County

Hon. Elihu M. Harris
Member of the Assembly
Thirteenth Assembly District

Ms. Juana C. Conrad
Former Court Administrator,
East Los Angeles Municipal
Court District

Mr. Rene Davidson
Alameda County Clerk

Ms. Linda Herman
Past president, California League
of Women Voters
Los Angeles

Mr. Herbert M. Rosenthal
Civil Litigation and Courtroom
Demeanor Subcommittee Chair
Executive Director
State Bar of California

Dr. Norma J. Wikler, Advisor
Associate Professor of Sociology
University of California-
Santa Cruz

Mr. Frank Zolin
County Clerk/Executive Officer
Los Angeles Superior Court

Mr. James J. Brosnahan
Attorney at Law
San Francisco

Mr. Kenneth Mark Burr
Deputy District Attorney
Alameda County

Ms. Tamara C. Dahn
Attorney at Law
Vallejo

Ms. Marian McClure Johnston
Deputy Attorney General
Sacramento

Ms. Sheila James Kuehl
Domestic Violence
Subcommittee Chair
Attorney at Law
Los Angeles

Ms. Andrea Sheridan Ordin
Chief Assistant Attorney General
Los Angeles

Ms. Marjorie Swartz
Attorney at Law
Sacramento

Ms. Patricia Ann Shiu
Attorney at Law
San Francisco

Advisory Committee on Judicial Performance Procedures

After submitting to the Judicial Council in 1988 a comprehensive report that suggested numerous rule changes, the Advisory Committee on Judicial Performance Procedures remained convened during 1989 to monitor a new "open hearing" procedure mandated by a constitutional amendment that was approved by voters in November 1988. [See Senate Constitutional Amendment No. 6, Cal. Const. art. VI, § 18(f)(1).]

Under certain circumstances, this procedure provides for public hearings before the Commission on Judicial Performance, the constitutional agency responsible for reviewing charges of judicial misconduct.

Open hearing procedures

The commission's first open hearing was announced in May 1989. The hearing was enjoined, however, on the ground that rules to implement the procedure did not exist. In response, the commission suggested, and the advisory committee reviewed, a set of proposed new rules to implement the open hearing law. The Judicial Council adopted the new rules in December of 1989.

The new rules, California Rules of Court, rules 907.1 and 907.2, were effective January 1, 1990. They create a procedure whereby a judge may request an open hearing at the time the answer to a notice of formal proceedings before the commission is filed, or before expiration of the time for filing an answer.

The rules also create a procedure by which the commission can determine whether the hearing should be open if a judge does not request a hearing. The language of the rules tracks the enabling constitutional language.

The commission makes a two-part determination. First, the commission determines whether any charge in the notice of formal proceedings against the judge involves moral turpitude, dishonesty, or corruption.

If the commission finds that the charge meets the criteria, the commission determines whether opening the formal hearing would be in the pursuit of public confidence, and in the interests of justice.

The procedure creates time limits for providing notice to the judge of the proposed commission determination to open the hearing, for submission of arguments on the issue by both the judge and the examiner, and for notice to the judge and the examiner of the commission's final determination.

Judicial leave

The advisory committee also reviewed a proposal relating to judicial vacation time.

The Judicial Council determined that vacation time should not be considered separately from other kinds of judicial leave. The council asked the California Judges Association to investigate whether local or statewide judicial leave standards should be created and requested that the association submit model policies on vacation time, parental leave, and other similar leave issues.

If the association submits a proposal on this subject to the council, the advisory committee will review and recommend a position on the proposal in 1990.

Technical changes

The Judicial Council also adopted certain minor and technical rule changes relating to mail requirements, transcripts, and copies of objections. (See amendments to Cal. Rules of Court, rules 904.4, 912, 913, and 918, effective January 1, 1990.)

The advisory committee did not consider these proposed rule changes controversial and recommended their adoption to the council.

Continued monitoring

Since no open hearings under the new law have been conducted in California, the Judicial Council requested the advisory committee to continue monitoring during 1990 and to develop a proposal regarding the most appropriate mechanism for reviewing rule changes affecting the Commission on Judicial Performance in the future. The committee will consider whether to recommend that it continue in existance or whether a different mechanism would be more appropriate.

Advisory Committee on Judicial Performance Procedures

Hon. Richard Schauer, Chair
Retired Presiding Justice
Court of Appeal,
Second Appellate District,
Division Seven

Hon. Harmon G. Scoville
Presiding Justice
Court of Appeal,
Fourth Appellate District,
Division Three,
Santa Ana

Hon. Elwood Lui
Retired Associate Justice
Court of Appeal,
Second Appellate District,
Division Three,
Los Angeles

Hon. David M. Rothman
Judge, Superior Court
Los Angeles County

Hon. William P. Hogoboom
Retired Judge, Superior Court
Los Angeles County

Hon. Thomas Konsgaard
Retired Judge, Superior Court
Napa County

Hon. Susan P. Finlay
Judge, Municipal Court
South Bay Municipal Court
District

Mr. Dale Hanst
Attorney at Law
Santa Barbara

Advisory Committee on Juvenile Court Law

This advisory committee was appointed in May 1988 to study juvenile and other court proceedings involving minor children and to make recommendations to the Judicial Council for improving the California juvenile justice system.

During 1989, the committee drafted recommendations concerning juvenile court rules, forms, standards of judicial administration, and guidelines. The proposals adopted by the Judicial Council include:

- ☐ *Revisions to Juvenile Court Rules*
  The committee began a comprehensive revision of juvenile court rules. Historically, the juvenile court rules have restated basic statutory procedures as interpreted by case law. The purpose of the rules is to clarify juvenile court proceedings, establish procedures in those areas where the statutes are silent or ambiguous, provide guidance to juvenile court judges and referees, attorneys, probation officers, and social workers appearing in juvenile court, and encourage and promote uniform application of the juvenile court law statewide. On recommendation of this advisory committee, the Judicial Council, effective July 1, 1989, repealed juvenile court rules 1301 to 1396 and added new restructured juvenile court rules 1400 to 1497.

  The majority of the rule revisions related to dependency proceedings to conform to significant legislative changes. For adoption by the council, effective January 1, 1990, the committee proposed two new rules to specify the procedures for using and filing legislatively-mandated juvenile custody and restraining order forms and also technical revisions to make the rules more readable. The advisory committee plans next year to review and revise when necessary those rules relating to status offenders and delinquent minors described by sections 601 and 602 of the Welfare and Institutions Code.

- ☐ *Guardianship Pamphlet*
  In response to legislation (Stats. 1988, ch. 457) amending the Government Code, the advisory committee drafted a pamphlet explaining in clear language the nature of a guardianship of a minor who has been declared a dependent child of the juvenile court and the rights, duties, and obligations of a person serving as guardian. Effective July 1, 1989, the council adopted the guardianship pamphlet in English and Spanish.

- ☐ *Custody and Restraining Order Forms*
  Other legislation (Stats. 1989, ch. 137) amended sections of the Welfare and Institutions Code to require the Judicial Council to adopt forms for restraining orders and custody orders for cases involving children declared dependents of the juvenile court. The custody order form is intended for use when a juvenile court makes a custody order and terminates its jurisdiction. At the direction of the juvenile court, the custody order form shall be filed in an existing nullity, dissolution, legal separation, or paternity proceeding or used as a sole basis to open a court file. The restraining order form is for use by juvenile courts and shall be enforceable in the same manner as any other order issued under section 4359 of the Civil Code.

- ☐ *Standards of Judicial Administration Relating to Juvenile Court Matters*
  Upon the recommendation of the advisory committee, the Judicial Council adopted standards of judicial administration for presiding judges of the superior court, presiding judges of the juvenile court, and juvenile court judges to address problems and issues relating to juvenile court administration. The adopted standards recommend assignments to the juvenile court for a minimum three-year term, emphasize the importance of juvenile court, and describe the unique role of the juvenile court judge.

- ☐ *Program Guidelines for Court Appointed Special Advocate (CASA) Programs*
  In response to legislation (Stats. 1988, ch. 723) the Judicial Council adopted effective January 1, 1990, suggested program guidelines for optional use by local Court Appointed Special Advocate (CASA) programs to assist abused and neglected children who are the subject of judicial proceedings. The proposed guidelines were drafted by the advisory committee in consultation with the California CASA Association and were circulated for comment statewide to interested persons and organizations.

Plans for 1990

The advisory committee continued its system study during 1989 and plans to make recommendations in 1990 for council action regarding improvements in juvenile court.

1990 plans also include to:

- ☐ Develop guidelines establishing criteria for selection of court-appointed attorneys in juvenile court proceedings;
- ☐ Draft a pamphlet for probate guardianships;
- ☐ Revise the legislatively-mandated dependency information booklet;
- ☐ Develop additional juvenile court forms when needed to encourage greater statewide uniformity;
- ☐ Continue to revise the juvenile court rules when necessary to conform to statutory changes; and
- ☐ Study the effect of drugs on juvenile courts.

Advisory Committee on Juvenile Court Law

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Hon. Patricia Bresee
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San Mateo County

Hon. Dennis Bunting
Judge, Superior Court
Solano County

Hon. Leonard P. Edwards
Judge, Superior Court
Santa Clara County

Hon. James Garbolino
Judge, Superior Court
Placer County

Hon. Shelley McEwan
Superior Court Commissioner
Solano County

Hon. Sheridan Reed
Judge, Superior Court
San Diego County

Hon. Arnold D. Rosenfield
Judge, Superior Court
Sonoma County

Hon. Arthur G. Scotland
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Third Appellate District
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Hon. Wilmont Sweeney
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Alameda County

Hon. Kathryn Doi Todd
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Mr. John Stettler
Chief Probation Officer
San Luis Obispo Probation
County Government Center
San Luis Obispo

Advisory Committee on Local Rules

A top priority of the Judicial Council's Superior Court Committee is to eliminate unnecessary variations in local practices and procedure.

The Advisory Committee on Local Rules was appointed in 1988 to assist in this process. The committee's mandate is to:

- ☐ determine appropriate procedures for a study of local rules and adoption of statewide rules, and establish priorities and timetables for the studies;
- ☐ contact organizations and individuals able to assist staff in carrying out the studies;
- ☐ create subcommittees, which may include people not on the full committee, to draft rules in particular areas when the study and summary of the rules are completed;
- ☐ study conflicts in local rules that do not come within any of the subject areas developed above;
- ☐ develop policies for the guidance of local courts on appropriate areas for local rules, which could take the form of a recommended standard of judicial administration;
- ☐ investigate methods for the council to oversee the adoption of local rules;
- ☐ prepare educational materials for judges, court executives and clerks concerning local rules;
- ☐ consider methods to increase the public availability of local rules; and
- ☐ investigate other methods to alleviate problems caused by local rules.

The term "local rules" is used in a broad sense to include not only court rules, policies, guidelines, procedures and manuals, but other local practices that affect attorneys in a manner similar to local rules (e.g., operating hours of the clerk's office and the place for filing papers).

During 1989, the committee met several times to determine the initial subject areas for study and recommendations, and divided into corresponding subcommittees.

The subcommittees include Law and Motion, Arbitration, Pretrial Civil Rules, Form and Format of Papers, and Publicity and Procedure for Adoption of Rules.

Local rules were collected from the trial courts and the studies have begun.

The committee also co-hosted with the State Board Litigation Section a 1989 State Bar Convention seminar where members of the bar were invited to address the committee on the subject of local rules. A similar event is planned for the 1990 Court Management and Presiding Judges Conference.

Advisory Committee on Local Rules

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Hon. James P. Darrah
Judge, Superior Court
San Joaquin County

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Ms. Sandra J. Shapiro
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Ms. Deborah Kanter
Court Administrator
San Joaquin Superior Court

Mr. Arthur Sims
Executive Officer/Jury Commissioner
Riverside Superior Court

Mr. Michael Jens F. Smith
Attorney at Law
Fresno

Advisory Committee on Private Judges

In response to a Superior Court Committee request, staff conducted interviews in 10 California courts to ascertain court procedures regarding "private judges."[1]

These interviews resulted in a preliminary identification of issues raised by the use of private judges and the recommendation that an advisory committee be appointed to study the development of private judging. The Judicial Council adopted the recommendation and asked Chief Justice Lucas to appoint the Advisory Committee on Private Judges in July 1989.

The committee was asked to identify and study public policy and operational questions arising from "private judging," including the use of public resources.

During 1989, the advisory committee, which held three meetings and two public hearings, examined private judging on both an operational and philosophical level. Work began with a discussion about the type of information required and the issues raised by different forms of private judging. The committee reviewed the survey and reorganized the issues raised according to philosophical, operational, and combined categories. A taxonomy of private judging was developed as a common reference for members.

The committee decided to focus on issues related to references under Code of Civil Procedure sections 638 and 639, as well as temporary judges under article VI, section 21 of the California Constitution.

In the course of its inquiry, the committee invited oral and written testimony from providers and users of both the public and private systems.

The committee held public hearings in San Francisco and Los Angeles. Testimony in favor of, and in opposition to, various aspects of private judging was heard at both public hearings. The advisory committee also heard testimony concerning the use of adjunct judges and considered the problems related to the unavailability of retired judges willing or able to sit on assignment.

Issues that emerged from the testimony, research and compiled literature include:

- ☐ Use of public facilities and resources by private judges;
- ☐ Need for public access and intervention rights in privately tried matters;
- ☐ The effect of the private judging on public judges and the perception of public justice;
- ☐ Ethical questions raised by private judging for both public and private judges;
- ☐ Responsibilities of public courts for the records of privately-tried matters;
- ☐ The weaknesses of the public system that led to the use of private judges and the benefits of private judging.

The committee plans to prepare a final report for the Judicial Council in May 1990.

Advisory Committee on Private Judges

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Chair
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Hon. Richard P. Byrne
Judge, Superior Court
Los Angeles County

Hon. Candace D. Cooper
Judge, Superior Court
Los Angeles County

Hon. Robert F. Peckham
Chief Judge
United States District Court
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Mr. John C. Argue
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Mr. Malcolm Feeley
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University of California
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Ms. Carole Wagner Vallianos
President,
League of Women Voters
Manhattan Beach

Mr. Ronald A. Zumbrun
President,
Pacific Legal Foundation
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1 The term "private judge" was defined very broadly for this initial inquiry and included any individual who performed judicial duties who was not a sitting judge through election or appointment by the Governor (Cal. Const., art. VI, § 16). The inquiry did not focus on judges sitting on assignment (Cal. Const., art. VI, § 6) or explore issues relating to the use of commissioners to perform subordinate judicial duties (Cal. Const., art. VI, § 22).

Advisory Committee on Riverside and San Bernardino County Experimental Sanction and Settlement Procedure

1987 legislation establishes two related experimental three-year procedures in Riverside and San Bernardino Counties.

One procedure, added by new section 447 of the Code of Civil Procedure, adopts the provisions of rule 11 of the Federal Rules of Civil Procedure to provide sanctions for filing frivolous papers.

The other, added by section 1021.1 of the same code, provides for an award of certain attorney fees if a party makes an offer for judgment under Code of Civil Procedure section 998 and the other party fails to obtain a more favorable judgment at trial.

The Advisory Committee on Riverside and San Bernardino County Experimental Sanction and Settlement Procedure, which was appointed in 1988 to assist the council with its duties under the new legislation, determined that the enabling legislation should be amended to apply the procedure to personal injury actions. The Judicial Council voted to sponsor legislation to that effect. The committee suggests that a meaningful experiment is not possible without the proposed amendments.

At year-end, that legislation, combined with an extension of the termination date of the experiment, was pending before the Legislature.

A final report of the committee on the effectiveness of these procedures in reducing trial court congestion will be issued at the end of the experimental procedure.

Advisory Committee on Riverside and San Bernardino County Experimental Sanction and Settlement Procedure

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Hon. Michael F. Flynn
Judge, Municipal Court
Corona Municipal Court District

Hon. William P. Hyde
Judge, Superior Court
County of San Bernardino

Hon. Ben T. Kayashima
Judge, Superior Court
County of San Bernardino

Hon. Frederick A. Mandabach
Assistant Presiding Judge
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Municipal Court

Hon. Robert J. McIntyre
Judge, Municipal Court
Desert Municipal Court District
Blythe Branch

Hon. Victor Miceli
Judge, Superior Court
County of Riverside

Hon. John B. Morgan
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Three Lakes Municipal Court
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Advisory Committee on Sentencing

The Determinate Sentencing Act of 1976 gave the Judicial Council the goal of developing rules to guide judges in felony sentencing.

The Advisory Committee on Sentencing, formed in 1988, undertook as its primary responsibility a complete review and revision of the sentencing rules for superior courts, rules 401 et seq., California Rules of Court.

These rules were adopted in 1977 before the sentencing law came into effect and have been amended only slightly since. Revision is required because of statutory amendments, cases interpreting the law, and experience in working with the existing rules.

In addition to having the rules reflect changes in statutory and case law, a goal of the committee is to increase the clarity and utility of the rules. Consequently, the committee will tentatively recommend changing the sequence of the rules, as well as the text of some.

Advisory Committee on Uniform Delay Reduction Program Rules for Volunteer Courts

During 1989, this advisory committee, appointed by Chief Justice Malcolm M. Lucas in 1989, drafted proposed uniform civil delay reduction rules and two forms for courts that want to establish a voluntary exemplary delay reduction program. The Trial Court Delay Reduction Act requires the council to adopt such rules. (See Gov. Code, § 68619(b).) The proposed program rules and forms were published and circulated statewide for comment.

Review of the comments by the council's Court Management Committee resulted in some modifications to the circulated rules. The Judicial Council adopted the uniform rules and three forms effective January 1, 1990.

The rules were drafted so that they may be used in courts operating a master, individual (direct), or hybrid calendar system. Highlights of these (rules 1901 through 1915) are outlined in chapter 8.

Advisory Committee on Sentencing

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Hon. Rose Hom
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Los Angeles County

Hon. Jean Matusinka
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Los Angeles County

Hon. Steven Z. Perren
Judge, Superior Court
Ventura County

Hon. John J. Ryan
Judge, Superior Court
Orange County

Hon. Patricia K. Sepulveda
Judge, Superior Court
Contra Costa County

Hon. Peter Allen Smith
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Ms. Holly D. Wilkens
Deputy Attorney General
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Advisory Committee on Uniform Delay Reduction Program Rules for Volunteer Courts

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Auburn

Hon. William P. Hyde
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San Bernardino County

Hon. James F. Roach
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Hon. Laurence K. Sawyer
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Ms. Janice F. Norton
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Ms. Pearl Taylor
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Advisory Committee on Trial Court Improvement Fund

One element of the historic state funding of trial court legislation passed in 1987 is the creation of a Trial Court Improvement Fund.

Amounts appropriated to this fund are disbursed to counties through grants administered by the Judicial Council. The grants are intended to improve court management and efficiency, and to improve case processing and speedy trial procedures. Funds can be used for personnel, equipment, research and, with some limitations, facilities. (See Government Code, section 77207.)

In late 1987, the Judicial Council invited judges, court administrators, attorneys and others interested in trial court improvement to comment on proposed priorities for fund distribution.

Based on these responses, the Judicial Council adopted the following priority programs: 1) programs to reduce trial court delay; 2) programs that promote multicourt or regional efforts to improve trial court operations, including projects that can be replicated in other courts; and 3) programs to promote automation, personnel management and construction of facilities, provided that no construction grant exceeds $500,000.

The Judicial Council also authorized the appointment of the Advisory Committee on Trial Court Improvement Fund to review and recommend concept papers and grant proposals. The committee's 14 members consist of one appellate court judge, two superior court judges, two municipal court judges, one justice court judge, one superior court administrator, one municipal court administrator, one county clerk-recorder, two private attorneys, one private sector member and two Judicial Council liaison members.

In December 1987, invitations to submit concept papers for Trial Court Improvement Fund grants were submitted to judges, court administrators, county executive officers, district attorneys, public defenders and probation officers.

Advisory Committee on Trial Court Improvement Fund

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Hon. Michael S. Ullman
Judge, Municipal Court
Sacramento Municipal Court District

Hon. Gregory M. Caskey
Judge, Justice Court
Central Valley Justice Court District

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Mr. Alan Slater
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Ms. Grace K. Yamakawa
County Clerk-Executive Officer
Santa Clara County Superior Court

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Judge, Superior Court,
Los Angeles County

Hon. Susan P. Finlay
(Judicial Council liaison)
Judge, Municipal Court
South Bay Municipal Court District
Chula Vista

By the January 1988 deadline, approximately 200 concept papers and 70 requests for STATSCAN or calendar automation equipment had been received. The total amount requested exceeded $60 million. Formal grant applications were requested for 37 of the projects proposed in the concept papers.

From the $10 million anticipated appropriation for the period January-June, 1989, the advisory committee in November 1988 selected 15 projects for funding. Due to state budgetary constraints, the appropriation was never made.

Anticipating a full appropriation of $20 million for fiscal year 1989-90, the committee solicited additional concept papers. A total of 111 concept papers were received from trial courts. Slightly more than $1 million was appropriated to the fund in the final approved budget. This appropriation was awarded to a Multi-Court Automation Project to Reduce Court Delay. The project provided equipment to five Superior Courts (Los Angeles, Sacramento, Orange, San Diego, and Kern) allowing them to manage cases as required by the Trial Court Delay Reduction Act of 1986.

Full-year funding of $20 million has been requested for Fiscal Year 1990-91. The 15 originally approved projects have been surveyed and all but one indicates a continuing interest in project funding. The advisory committee will also solicit new concept papers from the courts for innovative projects. In addition, a new unit consisting of a manager, analysts, a program compliance officer, a fiscal compliance officer and secretarial support has been requested in the budget to administer the grants.

Advisory Committee on Voir Dire

The Advisory Committee on Voir Dire was appointed by the Chief Justice in July 1988 to monitor a pilot project established by Code of Civil Procedure section 223.5(a) for criminal trials in the Fresno and Santa Cruz County Superior Courts. The principal feature of the pilot project is the propounding by the judges to prospective jurors of standardized questions "designed solely for assisting in the intelligent exercise of the right of peremptory challenge and not applicable to the determination of implied or actual bias."

The pilot project began on July 1, 1988 and will continue until June 30, 1991. Under Code of Civil Procedure section 223.5(c), the Judicial Council must report to the Legislature by January 1, 1992 "the effects of the pilot project on the efficiency in jury selection and on any effect on the conviction rate for particular crimes compared with a similar prior period in each pilot project county." The advisory committee will assist in the preparation of this report.

To ascertain the effects of the pilot project, the advisory committee established studies comparing data from the 18-month period before the pilot project with similar data for trials concluded after the project began. These statistics are the subject of ongoing reports showing the time required for various components of voir dire and the impact on conviction rates. The committee also has recorded anecdotal information from surveys of judges and attorneys in the pilot project courts and from the reports of advisory committee members, who serve as prosecutors, public defenders, judges and court administrators in the courts involved.

While information to date is partial, early indications suggest that the standardized questions and other pilot project procedures have little impact on the time required for voir dire or on the conviction rate, and that the procedures restrict the judge's control of voir dire because it is difficult to propound questions with no applicability to the determination of bias.

The role of the advisory committee has been expanded to consider other methods for improving the voir dire process. To date, the committee has suggested:

- ☐ Expanded use of judge-controlled voir dire under Code of Civil Procedure section 223 and California Rules of Court, rule 228, with subject matter input from attorneys;
- ☐ Greater education for attorneys and judges on jury selection;
- ☐ Greater use of juror questionnaires;
- ☐ Reasonable guidelines on the time and scope of voir dire;
- ☐ Greater use of court personnel other than judges to conduct voir dire; and
- ☐ Greater use of Code of Civil Procedure section 222, concerning random selection of prospective jurors for voir dire and the seating of prospective jurors in the order of the random panel list.

The committee plans to continue data studies and other monitoring of the pilot project and to consider future suggestions for improving the voir dire process.

Advisory Committee on Voir Dire

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Mr. Arne Werchick
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Mr. Fred Yamamoto
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CHAPTER 6

ADVISORY COMMITTEE ON

CHANGE OF VENUE

In June 1988, Chief Justice Lucas appointed a 12-member advisory committee to review recurring problems related to the Judicial Council's responsibility[1] to facilitate changes of venue in criminal cases. Changes of venue are granted when there is a reasonable likelihood that a fair and impartial trial cannot be held in the county of origin.

Principal areas examined by the committee were the distribution of workload resulting from changes of venue, availability of back-up assistance and reimbursement of costs incurred by the county receiving the case. In addition, the committee considered whether the court of origin should attempt to impanel a jury before ordering a change of venue or import a jury from another county.

Impanelling a Jury

The committee felt that a fair and impartial jury often may be obtained even in small counties where pretrial publicity is more likely to reach potential jurors. The committee, therefore, proposed a new section 4(a) of the Standards of Judicial Administration,[2] providing that a court should attempt to impanel a jury that will give the defendant a fair and impartial trial before ordering a change of venue.

1 See Penal Code sections 1033 through 1038 and Cal. Rules of Court, rules 840 through 844.

2 Printed at the end of this chapter, along with new standards 4.1 and 4.2.

Workload Distribution

Under rule 842, the Judicial Council generally identifies three courts that would not be "unduly burdened" by the trial of the case and are willing to receive it. This may be equitable for the parties and the courts of origin, but often it is inequitable for the courts that must absorb the typically lengthy trials. Courts with good calendars tend to receive a disproportionate number of venued cases. Some have complained of being penalized for good administration. The problem has become more acute in the past year. It is more and more difficult to find courts willing to receive lengthy cases.

To alleviate inequitable distribution of venued cases, staff is following a modified policy concerning potential receiving courts. Staff continues to identify courts willing to receive the cases, but if an appropriate number cannot be enlisted, staff will consider courts that do not appear to be unduly burdened according to caseload (death penalty cases, other criminal and civil), vacancies, available courtrooms, and other pertinent factors, including the length of time since the court last received a venued case or agreed to do so.

If, after all pertinent factors have been discussed with the court, it still appears equitable for the court to receive the case, staff will include that court as a potential transferee.

The committee endorsed this policy.

Back-Up Assistance

It has become increasingly difficult for the Judicial Council to accomodate requests from receiving courts for back-up assistance from assigned judges while a venued case is being tried by one of its own judges. Due mostly to the growth of private judging, the pool of retired judges largely has evaporated.

Recognizing this phenomenon, the committee proposed new section 4.1 of the Standards of Judicial Administration. The standard provides that, absent agreement by the courts involved, a venued case should be tried by a judge from the originating court.

While this may not always be feasible, even committee members from sole-judge courts believe that the judge could go with the case in most instances.

Cost Reimbursement

While Penal Code section 1037 generally outlines responsibilities for costs resulting from a change of venue, the lack of specificity about what is "reasonable and necessary" for the receiving county to incur at the expense of the county of origin has led to disputes, and sometimes litigation, between counties for sizeable amounts of money.[3] This litigation strains relations between the counties and erodes the cooperation underlying change of venue.

The committee developed two major responses to this problem.

First, the committee proposed new section 4.2 of the Standards of Judicial Administration that sets forth detailed guidelines for reimbursement of costs in change of venue cases. Items covered include costs relating to jurors, court reporters, interpreters and translators, services and supplies, defendant-related expenses, and security-related expenses. In addition, the guidelines provide for documentation of costs and the timing for reimbursement.

As a further aid to the courts, the committee developed a form, a Change of Venue Information Sheet, designed to prevent disputes at the outset of the transfer of the case.

The court of origin is instructed to enter information about the case, including any unusual security problems or anticipated extraordinary costs. There also is space for the names and telephone numbers of persons in the county of origin who have knowledge of the defendant's needs or billing for costs or payment of appointed counsel fees.

The receiving county is instructed to advise the originating county and the Administrative Office of the Courts promptly of any anticipated extraordinary expenses not addressed by the form.

Invitations to Comment

Two invitations to comment were sent concerning the criminal change of venue procedures proposed by the committee.

The first invitation was sent to the auditor-controller of each county to assure that the proposed guidelines for reimbursement of costs in criminal change of venue cases and the proposed change of venue information sheet do not conflict with procedures being followed by the auditor-controllers.

The second invitation to comment was sent to members of the bench and bar and other interested persons and organizations. This invitation also included the proposal on attempting to impanel jury before a change of venue is ordered (proposed new section 4(a) of the Standards of Judicial Administration) and the proposal that, once a change of venue has been ordered in a criminal case, the case should be tried by a judge from the court in which the case originated (proposed new section 4.1).

3 For example, some receiving courts have expended large sums for security personnel or equipment without consulting the originating court. When the bill arrived in the county of origin, battle lines were drawn.

Comments from Bench and Bar

Generally speaking, members of the bench and bar approved the proposals, with one exception and one addition.

The exception concerns proposed section 4 of the Standards of Judicial Administration, which provides that the court should consider attempting to impanel a jury that will give the defendant a fair and impartial trial before ordering a change of venue in a criminal case.

Exception was taken by three district attorneys to the use of public opinion experts to testify as to whether a change of venue is needed. A court determination through the voir dire process was favored.

The strongest opposition to the proposed standard came from members of the criminal defense bar, who expressed several concerns, chiefly that voir dire is an unreliable mechanism to uncover bias. Three letters on the question of impaneling a jury came from two political scientists and a professor of law who wrote of the pressures on potential jurors to do what is expected in voir dire and, therefore, not reveal their biases, whether they are aware of them or not.

In response to these, the advisory committee pointed out that new section 4(a) of the Standards of Judicial Administration is not mandatory; nor is it intended to apply in every instance in which a change of venue is sought, but only in marginal cases. Where there is clear evidence of a reasonable likelihood that a fair and impartial trial cannot be had in the county, a change of venue should be ordered. The committee recommended that the Judicial Council adopt a comment to that effect, along with the proposed standard.

Importing Jurors

The one addition that the commentators suggested to the proposals circulated by the committee was specific reference to section 1036.7, concerning importing a jury rather than transferring the case.

The committee recognized that the application of Penal Code section 1036.7 may be limited. The county from which jurors may be brought must be close enough that jury service will not be burdensome, but not so close that the jurors will be affected by the same publicity that disqualifies local citizens. Still, the success with this procedure experienced by counties such as Napa and Yolo lead the committee to believe that the importation of a jury should be considered routinely by the court after a change of venue has been granted.

Accordingly, the committee proposed new section 4(b) of the Standards of Judicial Performance.

Comments from Auditor-Controllers

Generally, the auditor-controllers were satisfied that the proposed new section 4.2 and information sheet did not conflict with the procedures they have been using for payment of costs associated with change of venue cases. The advisory committee adopted some technical suggestions by these officials.

Council Action

At its May 1989 meeting, the Judicial Council considered the comments of the bench and bar and the auditor-controllers and, on recommendation of the council's Court Management Committee, adopted sections 4(a), with comment, 4(b), 4.1, 4.2 and the Change of Venue Information Sheet, all effective July 1, 1989, except for the Information Sheet, which went into effect on June 1, 1989. The new standards appear on the following pages.

Advisory Committee on Change of Venue

Hon. Henry Ramsey, Jr., Chair
Judge, Superior Court
Alameda County

Hon. Cecily Bond
Judge, Superior Court
Sacramento County

Hon. Gary T. Friedman
Judge, Superior Court
Kern County

Hon. Daniel M. Hanlon
Judge, Superior Court
City and County San Francisco

Hon. Thomas T. Johnson
Judge, Superior Court
Los Angeles County

Hon. Reginald Littrell
Judge, Superior Court
Sierra County

Hon. James A. Malkus
Judge, Superior Court
San Diego County

Hon. Guy Martin Young
Judge, Superior Court
Modoc County

Mr. Ronald Abernathy
Deputy Public Defender
San Joaquin County

Mr. Alan M. Carlson
Executive Officer/Jury Commissioner
Monterey County Superior Court

Ms. Deborah Kanter
Court Administrator
San Joaquin County Superior Court

Mr. Fredick A. Schroeder
District Attorney
Yuba County

Section 4 was added to the Standards of Judicial Administration effective July 1, 1989, to read:

Sec. 4. Policies to be considered before ordering and transferring a criminal case on change of venue

(a) [Attempt to impanel jury] Before ordering a change of venue in a criminal case, the court should consider attempting to impanel a jury that would give the defendant a fair and impartial trial.

(b) [Moving the jury] After a change of venue has been ordered, the court should determine, pursuant to Penal Code section 1036.7, whether it would be in the interests of the administration of justice to move the jury rather than to move the pending action. In so doing, the court should give particular consideration to the convenience of the jurors.

Advisory Committee Comment: Section 4(a) is not intended to imply that the court should attempt to impanel a jury in every case before granting a change of venue. If there is clear evidence of a reasonable likelihood that a fair and impartial trial cannot be had in the county, a change of venue should be ordered.

Section 4.1 is added to the Standards of Judicial Administration effective July 1, 1989, to read:

Sec. 4.1. Change of venue case to be tried by judge from county in which the case originated – criminal cases

A criminal case in which a change of venue has been ordered should be tried in the court receiving the case by a judge from the court in which the case originated, unless the originating and receiving courts agree otherwise.

Section 4.2 is added to the Standards of Judicial Administration effective July 1, 1989, to read:

Sec. 4.2. Guidelines for reimbursement of costs in change of venue cases – criminal cases

(a) [General] Consistent with Penal Code section 1037(c), the county in which an action originated should reimburse the county receiving a case after an order for change of venue for any ordinary expenditure and any extraordinary but reasonable and necessary expenditure *which would not have been incurred by the receiving county but for the change of venue.*

(b) [Reasonable ordinary expenditures – court related] Court-related reimbursable ordinary expenses include:

(1) For prospective jurors on the panel from which the jury is selected and for the trial jurors and alternates seated:

(i) Normal juror per diem and mileage at the rates of the receiving county. The cost of the juror should only be charged to a change of venue case if the juror was not used in any other case on the day the juror was excused from the change of venue case.

(ii) If jurors are sequestered, actual lodging, meals, mileage, and parking expenses up to state Board of Control limits.

(iii) If jurors are transported to a different courthouse or county, actual mileage and parking expenses.

(2) For court reporters:

(i) The cost of pro tem reporters, even if not used on the change of venue trial, but not the salaries of regular official reporters who would have been paid in any event. The rate of compensation for pro tem reporters should be that of the receiving county.

(ii) The cost of transcripts requested during trial and for any new trial or appeal, using the folio rate of the receiving county.

(iii) The cost of additional reporters necessary to allow production of a daily or expedited transcript.

(3) Assigned judge: The assigned judge's per diem, travel, and other expenses, up to state Board of Control limits, if the judge is assigned to the receiving court because of the change of venue case, regardless of whether the assigned judge is hearing the change of venue case.

(4) Interpreters and translators:

(i) The cost of the services of interpreters and translators, not on the court staff, if those services are required under Evidence Code sections 750 through 754. This cost should be paid, using the receiving county's fee schedule, whether the services are used in a change of venue trial or to cover staff interpreters and translators assigned to the change of venue trial.

(ii) Interpreter's and translator's actual mileage, per diem and lodging expenses, if any, which were incurred in connection with the trial, up to state Board of Control limits.

(5) Maintenance of evidence: The cost of handling, storing, or maintaining evidence beyond the expenses normally incurred by the receiving county.

(6) Services and supplies: The cost of services and supplies incurred only because of the change of venue trial. for example, copying and printing charges (e.g., juror questionnaires), long-distance telephone calls, and postage. A pro rata share of the costs of routine services and supplies should not be reimbursable.

(7) Other court or county employees:

(i) Overtime expenditures for regular staff attributable to the change of venue case.

(ii) Salaries and benefit costs of extra help or temporary help hired to assist in the change of venue case.

(c) [Reimbursable ordinary expenses – defendant related] The actual costs incurred for the guarding, keeping, and transporting of the defendant include:

(1) Expenses related to health care: Costs incurred by or on behalf of the defendant such as doctors, hospital expenses, medicines, therapists, and counseling for diagnosis, evaluation, and treatment.

(2) Cost of food and special clothing for an in-custody defendant.

(3) Transportation: Non routine expenses, such as transporting an in-custody defendant from the originating county to the receiving county. Routine transportation expenses if defendant is transported by usual means used for other receiving county prisoners should not be reimbursable.

(d) [Reimbursable ordinary expenditures – defense expenses] Expenses related to providing defense for the defendant include:

(1) Matters covered by Penal Code section 987.9 should be determined by the court in which the action originated or by a judge designated under that section.

(2) Payment of other defense costs should be in accordance with policies of the county in which the action originated, unless good cause to the contrary is shown to the trial court.

(3) Unless Penal Code section 987.9 applies, the trial court in the receiving county may, in its sound discretion, approve all trial-related expenses including:

(i) Attorney fees for defense counsel and, if any, co-counsel, and actual travel-related expenses, up to state Board of Control limits, for staying in the receiving county during trial and hearings.

(ii) Paralegal and extraordinary secretarial or office expenditures of defense counsel.

(iii) Expert witness costs and expenses.

(iv) The cost of experts assisting in preparation before trial or during trial, for example, persons preparing demonstrative evidence and jury consultants.

(v) Investigator expenses.

(vi) Defense witness expenses, including reasonable and necessary witness fees and travel expenses.

(e) [Extraordinary but reasonable-and-necessary expenses] Except in emergencies or unless it is impracticable to do so, a receiving county should give notice before incurring any extraordinary expenditures to the county in which the action originated, in accordance with Penal Code section 1037(d). Extraordinary but reasonable and necessary expenditures include:

(1) Security-related expenditures: The cost of extra security precautions taken because of the risk of escape or suicide or threats of, or the potential for, violence during the trial. These precautions might include, for example, extra bailiffs or correctional officers, special transportation to the courthouse for trial, television monitoring, and security checks of those entering the courtroom.

(2) Facility remodeling or modification: Alterations to buildings or courtrooms to accommodate the change of venue case.

(3) Renting or leasing of space or equipment: Renting or leasing of space for courtrooms, offices, and other facilities, or equipment to accommodate the change of venue case.

(4) Regular county or court employees: Salaries, benefit costs, and expenses of regular county or court employees in unusual situations such as very long trials.

(f) [Nonreimbursable expenses]

(1) Normal operating expenses include the overhead of the receiving county, for example:

(i) Salary and benefits of existing county or court staff which would have been paid even if there was no change of venue case.

(ii) The cost of operating the jail, for example, detention staff costs, normal inmate clothing, utility costs, overhead costs, and jail construction costs. These expenditures would have been incurred whether or not the case was transferred to the receiving county. It is, therefore, inappropriate to seek reimbursement from the county in which the action originated.

(2) Equipment which is purchased and then kept by the receiving county and which can be used for other purposes or cases.

(g) [Miscellaneous]

(1) Documentation of costs: No expense should be submitted for reimbursement without supporting documentation, such as a claim, invoice, bill, statement, or time sheet. In unusual circumstances, a declaration under penalty of perjury may be necessary. The declaration should describe the cost and state it was incurred because of the change of venue case. Any required court order or approval of costs also should be sent to the originating court.

(2) Timing of reimbursement: Unless both counties agree to other terms, reimbursement of all expenses which are not questioned by the originating county should be made within 60 days of receipt of the claim for reimbursement. Payment of disputed amounts should be made within 60 days of the resolution of the dispute.

CHAPTER 7

ADVISORY COMMITTEE ON

TELEPHONE APPEARANCE PROCEDURES

The Judicial Council's Advisory Committee on Telephone Appearance Procedures concluded that substantial savings in litigation costs are possible without any loss in the effectiveness of counsel when attorneys present oral arguments by telephone rather than in person. The committee also recommended that the judiciary actively encourage the use of these appearance procedures.

This committee was appointed by Chief Justice Malcolm M. Lucas in 1987 to recommend procedures for implementing 1987 legislation (Gov. Code, sec. 68070.1) that:

- ☐ established a pilot project in 10 counties permitting counsel to appear by telephone in specified nonevidentiary hearing and conferences;
- ☐ extended the procedure statewide one year later;
- ☐ mandated the council to adopt model procedures to guide superior courts in the development of teleconferencing procedures; and
- ☐ provided that a party using the telephone appearance procedure shall pay a fee if that party has the ability to pay the fee.

The advisory committee held two meetings in 1989 to discuss the following issues:

- ☐ Prior experience in California and other jurisdictions concerning telephone appearance;
- ☐ The experience in the 10 pilot project counties;
- ☐ Types of equipment available;
- ☐ Statewide procedures;
- ☐ Development of methods to handle the funding of the equipment and personnel needed;
- ☐ Need for local implementing rules;

- ☐ Utilization of the procedure;
- ☐ The desirability of mandating appearance by telephone in particular proceedings; and
- ☐ Recommendation of statutory and rule changes to implement the procedure.

Encouraging Use of the Procedure

The committee found many attorneys reluctant to use telephone appearance procedures due to concerns about obtaining the full attention of judges when appearing by telephone and about clients' reactions if they do not prevail on motions not made in person.

The committee studied several hypothetical examples of cost savings resulting from the use of telephone appearances. In Los Angeles and San Francisco, where one attorney is in the downtown area and the other is within an hour's drive from the courthouse, a cost savings of more than $350 could be realized by using telephone appearance.

In a rural area accessible by scheduled air service, where one attorney is local and the other is from out of town, the cost savings could reach $1,000.

Based on these potential time and cost savings, the committee recommended the following methods for actively encouraging the use of telephone appearance procedures:

- ☐ Judges should suggest to counsel in a particular case that a matter should be handled by telephone;
- ☐ A court should adopt rules or written local policy that specify that certain types of motions are particularly suitable for hearing by telephone;
- ☐ The local bench should actively encourage prominent members of the bar to use the procedure and share their experience with other members of the bar;
- ☐ Judges should work with the local lay press to feature stories on the use of telephone appearances and the savings to the litigating public through the use of the procedure;
- ☐ Continuing education groups should be asked to refer to the procedure in relevant courses and publications; and
- ☐ Legal newspapers should be asked to include material about telephone appearance procedures with the court calendars.

Recommended Legislation

Legislation provides that counsel may appear by telephone in "nonevidentiary law and motion and probate hearings and conferences."

The committee was concerned that this language might be construed as limiting appearances to these types of proceedings and thus recommended legislation to expressly permit appearance by telephone in all nonevidentiary hearings except for trial-setting conferences in counties subject to to the Trial Court Delay Reduction Act of 1986. Even in those cases, appearance by telephone would be permitted if authorized by local rule.

The committee recognized that the increase in the types of matters that can be heard by telephone might create an increased number of hearings that may cause a burden to the courts. Accordingly, the committee also recommended that the statute be amended to permit the council, by rule, to exempt certain motions from the right to be heard by telephone.

Legislation also provided that each party with the ability to pay shall pay a fee that covers "all costs associated with the teleconferencing procedures." This provision mandated each court to determine a fee based on actual costs and charge that fee.

The committee believes that some courts may determine the costs to be too small to charge a fee. In addition, the cost of administering a special fee only in the case of telephone appearances may be unduly high in many counties.

Accordingly, the committee recommended that the statute be amended to allow each court either to charge a fee for using the teleconferencing procedure, to increase its motion fee to cover telephone appearance costs, or to absorb the costs within its operating budget.

The committee also recommended that rule 985(i) be amended to include telephone appearance fees among those fees and costs waived by an order granting waiver of court fees and costs.

In response to some concern that a fee might discourage the use of the telephone appearance procedures, the committee recommended that:

- ☐ Long distance charges and telephone appearance fees constitute a recoverable item of costs; and
- ☐ Each party to an action be ordered to pay the telephone appearance fee even if only one party actually appeared by telephone.

Recommended Rule Changes

The committee recommended several changes to the Rules of Court and Standards of Judicial Administration concerning appearance by telephone. These changes provide:

- ☐ Each court shall ensure that the statements of participants are audible and identified as being made by that participant (rule 298(c));

- ☐ Each court shall establish a fee covering the costs to the courts that shall be charged unless waived (rule 298(b))
- ☐ No proceedings using telephone appearances shall be held at chambers except as otherwise permitted by law (rule 298(d));
- ☐ Courts may adopt local rules requiring counsel to (1) file a written request to appear by telephone, (2) initiate the telephone call, and (3) bear all the telephone company charges in connection with the call (rule 298(a)); and
- ☐ Counsel shall indicate an intent to appear by telephone by placing the phrase "Telephone Appearance" below the title of the first filed papers or by filing a separate notice (rule 827).

Criteria for Telephone Equipment

The committee recommended specific features for telephone equipment used in handling telephone appearance matters. The committee did not recommend specific brands or models. The cost of the recommended equipment can vary, depending on the features and degree of sophistication of the equipment from approximately $500 per unit to several thousand dollars per unit.

The equipment should be able to do the following (Cal. Standards Jud. Admin., §21(a)):

- ☐ Ensure that everyone in the proceeding can hear and speak to every other person as though all were in court;
- ☐ Handle at least three incoming calls at one time and place the calls into conference simply and quickly;
- ☐ Contain a silent (i.e., visible) ringer;
- ☐ Be simple to learn and use;
- ☐ Be reasonable in cost; and
- ☐ Contain full-duplex, simultaneous bidirectional speaker capability. This ensures that the conversation in both directions is audible at all times.

The committee noted that several other features were useful but not mandatory for a telephone system (Cal. Standards Jud. Admin., §21(b)). These include (1) programmable numbers, (2) recording capability, (3) portability, and (4) a queuing system.

The Administrative Office of the Courts is to serve as a clearinghouse of information about equipment capability and availability based on the information sent to it by those courts purchasing equipment.

Encouragement Required

Noting that the use of telephone appearance procedures in California as in other states suggests that the procedure requires active encouragement by the judiciary, the committee urged the bench and bar to ensure that the procedure be given a fair trial.

Advisory Committee on Telephone Appearance Procedures

Hon. Norman Epstein,
Chair
Judge, Superior Court
Los Angeles County

Hon. Stephen R. Henry
Judge, Superior Court
Fresno

Hon. Stuart R. Pollak
Judge, Superior Court
San Francisco

Hon. Stanley C. Young, Jr.
Judge, Superior Court
Plumas

Mr. Robert Charles Friese
Attorney
San Francisco

Mr. Hugh Johnson
Attorney
Los Angeles

Mr. Martin J. Moshier
County Clerk and Executive Officer
San Bernardino County

CHAPTER 8

DELAY REDUCTION ACHIEVEMENTS

Judicial management of the pace of litigation is having a positive impact on California's nine pilot superior courts operating exemplary civil delay reduction programs under the Trial Court Delay Reduction Act of 1986. Civil cases in most programs are being disposed faster than comparable cases in 1986 and 1987, and, in some courts, faster than cases processed through the regular calendar system.

1989 marks the second year of the statewide effort to reduce unnecessary delay in processing general civil actions of superior court jurisdiction from commencement to disposition.

Monitoring Pilot Programs

A list of measures for evaluating program impact was developed by the staff of the National Center for State Courts (NCSC), consultants to the Administrative Office of the Courts (AOC).

Both quantitative and qualitative data are being collected to monitor the pilot projects.

The basic categories of quantitative measures being compiled for the pilot courts are: baseline information on the pace of litigation before the program; age of disposed and pending cases; and backlog reduction ratios. This information is essential to monitoring the progress of programs and assessing the nature of their impact.

Statistical data collected from four of the nine pilot courts are obtained through STATSCAN bar code technology. Statistics from the remaining five courts are collected manually through case sampling.

Qualitative data about the nine courts are being collected by NCSC staff through meetings with program judges and staff and through attorney surveys.

Initial Impact

The programs vary by size and type of cases included. Chart 1 illustrates the number of program cases filed statewide and in each pilot court.

The total number of cases has increased almost 10 percent from fiscal year 1987-88. It is not known yet whether the increase is caused by an expansion of programs or by a general growth in filings during this period. Whatever the reason, the percentage of cases subject to delay reduction techniques is rising.

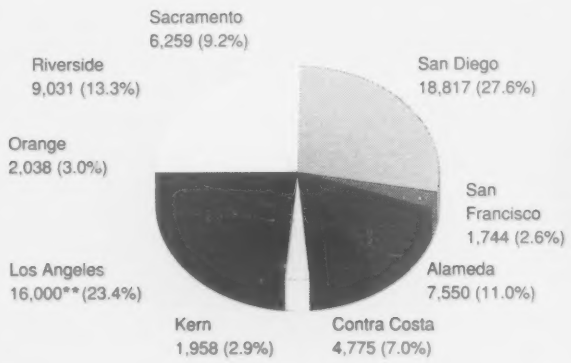
The Standards of Judicial Administration adopted by the Judicial Council recommended that courts dispose 25 percent more cases than were filed between July 1, 1987, and December 31, 1988. The objective was to encourage the courts to address existing backlog.

Table 1 indicates that more than half of the pilot courts are continuing to dispose of more cases than filed, even though the period recommended in the standard has expired.

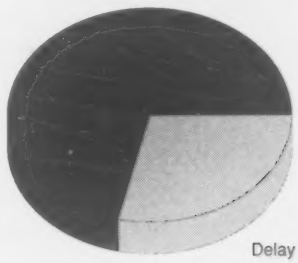
The decision to handle older, non-program civil cases is a major step in bringing the court up-to-date.

Chart 1

Total Cases Added to Pilot Delay Reduction Program Fiscal Year 1988-89 *



Pilot Delay Reduction Cases As a Percent of Total State Civil Filings Fiscal Year 1988-89



* These figures are estimates based on multiplying the proportion of general civil program cases to each court's total general civil caseload with the total general civil caseload for fiscal year 1988-89.

** Based on court's information.

Collection of comparative baseline data covering a two-year period is nearly complete for each of the nine courts. The baseline information on case processing times provides a benchmark against which to measure the impact of a pilot program. It also makes it possible to assess the level of impact and its position in the case cycle. For example, the baseline indicates the impact of active case management from the date of filing. Table 2 contains baseline information for each of the nine pilot courts.

Calendar years 1986 and 1987 are the baseline years for eight of the nine courts. For example, San Diego County began its program on January 1, 1987, which makes 1986 its only baseline year.

The median age of disposed cases (50th percentile) ranged from 0.9 years in Orange County in 1986 to 3.1 years in Los Angeles County in 1987. The 90th percentile ranged from 2.4 years in Kern County in 1986 to 4.9 years in Riverside in 1986.

Table 2 also provides information about case processing times for cases subject to the delay reduction program. Care must be taken in comparing figures across courts because of differences in program characteristics and types of cases included. Some courts did not include cases filed prior to January 1, 1988, whereas other courts did include such cases in the program.

An example is the drastic decrease in the 98th percentile from 1988 to 1989 in Sacramento County Superior Court, which is partly caused by the inclusion of cases filed prior to 1988 in the program.

In contrast, the drop in the 50th percentile from 1987 to 1988 in Alameda County is due to the fact that only cases filed after January 1, 1988, are included in the program. As such, none could be more than a year old when concluded.

Table 2 confirms that some type of change is occurring. In the majority of pilot courts, case processing time is decreasing for cases subject to the delay reduction program.

Table 1

General Civil Case Disposition-to-Filing Ratios Fiscal Year 1988-89

	Dispositions	*Filings*	*Disposition to Filing Ratio*
Alameda[b]	6,814	7,550	.90
Contra Costa[b]	**7,288**	**4,773**	**1.53**
Fresno[c]	4,494	6,908	.65
Humboldt[c]	**592**	**502**	**1.18**
Kern[b]	1,949	2,175	.90
Lake[c]	**408**	**249**	**1.64**
Los Angeles[b]	**102,360**	**87,307**	**1.17**
Mendocino[c]	269	955	.28
Napa[c]	**824**	**827**	**1.00**
Orange[b]	21,609	26,740	.81
Riverside[b]	6,838	9,031	.76
Sacramento[b]	**8,540**	**6,259**	**1.36**
San Diego[b]	**19,784**	**18,817**	**1.05**
San Francisco[b]	**11,238**	**8,718**	**1.29**
San Joaquin[c]	2,003	2,621	.76
Santa Barbara[c]	**3,430**	**1,887**	**1.82**
Sonoma[c]	2,300	2,663	.86
Stanislaus[c]	**2,397**	**2,121**	**1.13**
Yolo[c]	**508**	**481**	**1.06**
Mandatory Court Total	**186,420**	**171,372**	**1.09**
Volunteer Court Total	20,632	23,378	.88
Statewide Total	**246,603**	**238,183**	**1.04**

a Boldface data for a particular court highlights effective disposition activity that, in many cases, is a result of a purge program.
b Trial Court Delay Reduction - Mandatory Pilot Courts.
c Trial Court Delay Reduction - Volunteer Courts.

Source: Monthly Judicial Council Statistical Reports

Table 2

How Many Years Was It Taking to Process General Civil Cases From Filing to Disposition?

Figures for 1986 and 1987 (except San Diego) are for all general civil case dispositions; figures for 1988 and 1989 (and 1987 in San Diego) are for program cases only.

Court	*Year*	*Percentiles*[a]		
		50th	*90th*	*98th*
Alameda	1986[b]	1.3 years	3.3 years	5.3 years
	1987[b]	1.4	3.9	5.5
	1988[b]	0.3	0.8	1.0
	Jan-Jun 1989[b]	0.8	1.2	1.5
Contra Costa	1986[b]	1.1	2.8	4.0
	1987	x	x	x
	1988[c]	x	x	x
	Jan-Jun 1989[b]	0.8	1.2	1.5
Kern	1986[d]	1.0	2.4	2.8
	1987[d]	1.5	3.8	4.2
	1988[d]	0.3	0.7	0.9
	Jan-Jun 1989[d]	0.6	1.1	1.4
Los Angeles	1986[b]	1.9	4.7	5.6
	1987[b]	3.1	4.5	6.0
	1988[e]	2.5	3.7	5.1
	1989[e]	1.9	4.2	6.3
Orange	1986[d]	0.9	3.0	5.1
	1987[d]	1.1	3.3	5.0
	1988[e]	0.4	1.6	4.2
	1989[e]	0.4	3.8	5.0
Riverside	1986[b]	2.0	4.9	6.3
	1987[b]	1.5	4.1	5.8
	1988	x	x	x
	Jan-Jun 1989[b]	0.5	1.1	1.3
Sacramento	1986[d]	1.2	3.7	5.6
	1987[d]	1.3	3.6	5.3
	1988[e]	0.4	0.8	3.0
	1989[e]	0.4	0.7	0.9
San Diego	1986	x	x	x
	1987	x	x	x
	1988[e]	0.3	0.9	3.7
	1989[e]	0.3	0.9	4.1
San Francisco	1986[d]	1.6	3.8	5.0
	1987[d]	1.5	4.1	5.2
	1988[d]	x	x	x
	Jan-Jun 1989[d]	0.7	1.0	1.4
ABA Case Processing Standards[f]			1.0	1.5

a Percentiles categorize the age of cases disposed in terms of percentages. For example, 50% of the cases disposed in Alameda Superior Court in 1986 were less than one year and four months old (1.3 Yr.) at the time of disposition; 98% of the cases disposed in Alameda Superior Court in 1986 were five years and four months old at the time of disposition and only 2% were older.

b Data provided by the National Center for State Courts, Western Regional Office and is based on an approximate 500 case sample of all dispositions for the year. This information was gathered from each court's computerized register of actions.

c Contra Costa Superior Court reported that of the program cases filed in 1/1/88, 73% were disposed within 12 months, 87% within 18 months, and 97% within 24 months.

d Data provided by the National Center for State Courts, Western Regional Office and is based on an approximate 500 case sample of all dispositions for the year (in 1987 for Sacramento, sample size was considerably less at 367 cases.) This information was gathered from the case files themselves, as opposed to registers of action or computer files.

e Data provided by the Administrative Office of the Courts by Statscan Civil Case Status Reports (CCSR).

f The American Bar Association Standards of Timely Disposition have been adopted for California courts effective July 1, 1991.

x Data not yet available.

Monitoring Non-Pilot Courts

The case processing time standards, adopted in July 1987, serve as a goal for all superior courts in achieving acceptable case processing time from filing to trial. Monthly statistics for all superior courts are being collected and maintained to monitor pending caseloads, and the age of pending and disposed cases. The data is published in the *Judicial Council Annual Report* to provide basic case management information.

Table 1 also includes the 10 courts that voluntarily implemented delay reduction programs prior to the advent of uniform rules. More than half of these courts are disposing more cases than are filed. These numbers are encouraging whether the high disposition to filings ratios, present in the highlighted areas of Table 1, are the result of purging, or of adding older, non-program cases to the program. They show that the courts are paying attention to case inventory.

Uniform Rules for Volunteer Courts

The Judicial Council adopted uniform civil delay reduction rules and three forms effective January 1, 1990, for courts that want to establish a voluntary exemplary delay reduction program under the Trial Court Delay Reduction Act of 1986.

The act requires the Judicial Council to adopt uniform rules for volunteer pilot courts. (See Gov. Code, § 68619(b).)

A 15-member advisory committee comprising judges, attorneys and court staff appointed by Chief Justice Malcolm M. Lucas drafted proposed program rules and two forms that were published and circulated statewide for comment.

Review of the comments by the council's Court Management Committee resulted in some modifications to the circulated rules.

The rules were drafted so that they may be used in courts operating a master, individual (direct), or hybrid calendar system.

Highlights of the uniform rules (rules 1901 through 1915) for volunteer delay reduction courts include:

- ☐ ABA case-processing time standards (90 percent in 12 months; 98 percent in 18 months; and 100 percent in 24 months);
- ☐ Challenge under Code of Civil Procedure section 170.6 within 10 days of notice of judge assignment;
- ☐ Deadlines may be extended for good cause shown;
- ☐ Complaint served and proof of service filed within 60 days after filing;
- ☐ Response filed within 30 days after service with one 10-day extension by stipulation permitted;
- ☐ Cross-complaint against new parties filed within 30 days of response;
- ☐ First case management conference held within 120 days after filing; case progression plan ordered;
- ☐ Case management conference orders may include: dismissal of defendants, referral to alternate dispute resolution, consolidation, bifurcation or severance of parties or causes of action, a discovery plan, dates for exchange of experts, completion of law and motion, subsequent settlement and case management conferences and the trial date;
- ☐ Discovery cut-off not later than 40 days before trial. Parties may stipulate to extend expert witness depositions up to the final case management conference;
- ☐ Final conference not more than 15 days before trial. Exchange of exhibit lists, witness lists, jury instructions and statement of the case five days before conference;
- ☐ Motions ***in limine*** heard day of final conference if trial is to be conducted by judge presiding over conference. Otherwise, filed five days before conference and heard first day of trial;
- ☐ Personal injury and wrongful death hardship cases shall be included in the program on motion of the plaintiff;
- ☐ Mandatory forms: "Notice of First Case Management Conference" and "Case Management Conference Questionnaire"; and
- ☐ Optional form: "Case Management Conference Orders"

Statewide Bench/Bar Consortiums

Two Statewide Delay Reduction Bench/Bar Consortiums were held during 1989 and at least two are expected to be held every year. Bench consortium members consist of judicial representatives from pilot, volunteer, and interested delay reduction program courts.

The State Bar of California selects approximately 27 attorney members as representatives of both the public and private bar practicing in nine State Bar established districts. Court administrators and other personnel as well as legislative representatives and the public are also encouraged to, and do, participate in the consortium.

The consortium, designed to facilitate statewide coordination of delay reduction efforts between the courts and bar, serves as a forum to raise issues and concerns, exchange information, and keep informed about each other's programs.

The importance of continued bench/bar communication in reducing court delay cannot be underestimated.

In May 1989, the topics discussed at the consortium included the impact of criminal trials on the civil delay reduction experiments and techniques for improving the pace of both types of litigation. Chief Justice Malcolm M. Lucas invited the district attorney, public defender, and managing criminal calendar judge from each pilot county to participate since they would be involved in any effort to reduce the impact of criminal trials. An earlier session acquainted these new members with national research and delay reduction experimentation.

Presentations given by a district attorney and a public defender on "What the court needs to know about my operations before making changes" set the stage for consideration of the impact proposed changes in criminal programs have on these agencies.

The consortium also reviewed a survey that was conducted to ascertain techniques being employed in courts to manage criminal calendars and a presentation regarding a special drug court in Santa Clara County.

Finally, each court reported on successes and concerns in conducting their programs. One reccurring concern of the consortium bar is the potential of burnout among program judges.

The meeting concluded with discussions about a theme for the October 1989 consortium, highlights of individual county program evaluations, and the continued importance of bench/bar relations. Groups of contiguous counties were asked, "What steps do you plan to take to improve upon the success of your program in the third year and what assistance do you need from the AOC and the NCSC?" Results show that courts are willing to take steps to improve and grow.

Other topics discussed at the October consortium included a summary of programs to date, a review of the change process and the continued importance of bench/bar communication, and presentation of the concerns and issues of attorneys and the courts.

Pilot Programs Surveyed

A prelude to the October consortium was a survey conducted by the AOC on what is working in the pilot programs and what is not. This survey shows that judicial commitment to reducing delay and to case control is essential to the current success of the California programs. Without it, judges say their programs would not work.

Equally important are firm trial dates, sufficient judges and courtrooms to hear trials, and assurance that trials will occur on the first assigned date. The impact of criminal trials, increased demands on judicial resources, the rate at which judicial vacancies are filled, and the impact of handling pre-program cases are challenging the courts' ability to provide firm trial dates; a key to the success of the delay reduction programs.

Managing trials effectively is a medium that will maximize available judicial resources. A March 1989 seminar regarding judicial management of the actual trial was cosponsored by the Judicial Council with the National Judicial College. Judicial leaders of each participating consortium county were invited to share techniques they found useful. The group appeared to support tighter management of trials.

San Diego County is currently taking an active role in managing their trials. All superior court judges received "Managing Trials Effectively" training. As a result, the length of trials has dropped from approximately 12 days to 4.6 days. Success can be attributed to partial judicial control of voir dire and pretrial management of cases, including partial limitation of discovery.

Legislative Update

Authorization to operate examplary delay reduction programs under the Trial Court Delay Reduction Act of 1986 currently expires on December 31, 1990. The Judicial Council voted to seek legislation to extend the sunset clause on exemplary delay reduction programs to December 1992.

Some local program rules may impose procedures in addition to, or impose time frames shorter than, those specified by statute. Extension of the pilot programs would allow the courts to continue operating the experiment pending Judicial Council recommendations to the Legislature that extend the program to all courts January 1 to July 1, 1991, and adoption of any new legislation July 1, 1991 to June 30, 1992.

Lower Court Time Standards

As part of a statewide effort to reduce delay in the trial courts, the Judicial Council in December 1989 added section 2.3 to the Standards of Judicial Administration establishing statewide case processing time standards for the municipal and justice courts.

The standards will become effective on January 1, 1991. It is the intent that this apply to cases filed after that date. This provides municipal and justice courts one year to develop and implement delay reduction programs.

In adopting the specific time periods, the council considered the following: a study on the current pace of litigation in California's lower courts; existing delay reduction programs and standards in municipal courts; and comments on proposed standards from the trial courts, bar associations, prosecutors, defense attorneys, and others interested in court administration.

To determine the current pace of litigation in the municipal and justice courts, a staff study conducted by the Administrative Office of the Courts (AOC) in 1988 examined the files of approximately 9,200 recently closed cases in 36 municipal and 36 justice courts throughout the state.

The study results were analyzed and reviewed by the courts. The results also were considered in developing the statewide time standards.

Although no court currently is meeting the time standards, several are approaching that goal in certain areas.

The case processing time in criminal cases (felony and misdemeanors) is measured from the date of a defendant's first appearance in court to the case's disposition at the lower court level (defined as finding of probable cause, certified plea, dismissal, acquittal or sentencing).

Time in civil cases is measured from the filing of the case to final judgement or dismissal. Time during which the court has no control over the case (e.g., arrest warrant issued, proceedings stayed by a higher court, etc.) is excused when measuring the elapsed time.

During 1990, the AOC staff and the courts, in preparing to meet the case processing time standards, will be involved in several activities. Regional training programs for presiding judges and administrators of the courts will be held. New statistical reporting forms and systems to identify the status of active cases will be developed. Finally, new rules of court will be proposed and adopted to assist the courts in achieving speedier case processing.

Case Type	Standard
Felony Preliminary Examinations (excluding death penalty cases)	90% disposed in 30 days 98% disposed in 45 days 100% disposed in 90 days
Misdemeanor Cases	90%disposed in 30 days 98% disposed in 90 days 100% disposed in 120 days
General Civil Cases	90% disposed in 12 months 98% disposed in 18 months 100% disposed in 24 months
Small Claims Defendants	30 days (in-county) 60 days (outside county)
Unlawful Detainer	90% disposed in 30 days 100% disposed in 45 days

Trial Court Delay Reduction Act

The Trial Court Delay Reduction Act of 1986 (Gov. Code, § 68600 et seq.), best defines the purpose of this effort as:

"The people of the State of California expect and deserve prompt justice and the speedy resolution of disputes. Delay in the resolution of litigation may reflect a failure of justice and subjects the judiciary to a loss of confidence by the public in both its fairness and utility as a public institution. Delay reduces the chance that justice will in fact be done, and often imposes severe emotional and financial hardship on litigants." (Gov. Code, § 68601(b).)

The act directs the Judicial Council to:

- ☐ adopt statewide case processing time standards
- ☐ select nine pilot courts with "... the highest ratio per judicial position of at-issue civil cases pending more than one year ..." (Gov. Code, § 68605) to utilize delay reduction elements proven successful in other states "... in order to demonstrate their effectiveness in California" (Gov. Code, § 68601(d).)
- ☐ collect and maintain statistics regarding compliance with the time standards.

Time standards

The Judicial Council adopted phased time standards, which include general principles of caseflow management.

Interim standards effective July 1, 1987, were adopted to serve as guidelines and principles for all 58 superior courts. The interim time standards require that, by January 1, 1989, all general civil cases be disposed within four years of filing; by January 1, 1990, within three years; by January 1, 1991, within two years; and all felony cases, except capital offenses, within one year from the first appearance in any court.

The interim time standards are contained in the Standards of Judicial Administration, Recommended by the Judicial Council, Sections 2 and 2.1, in the Appendix to the California Rules of Court.

The American Bar Association's (ABA) Standard 2.25 of the Standards Relating to Court Delay Reduction for civil and criminal cases become effective July 1, 1991.

Briefly, the ABA time standards require that 90 percent of all general civil cases be disposed within one year of filing; 98 percent within 18 months; and 100 percent within two years.

For felony cases, 90 percent should be disposed within 120 days from the date of arrest, 98 percent within 180 days, and 100 percent within one year.

Program courts

The nine county courts designated for experimental exemplary delay reduction programs are Alameda, Contra Costa, Kern, Los Angeles, Orange, Riverside, Sacramento, San Diego, and San Francisco.

Guided only by Judicial Council-adopted standards and certain statistical reporting requirements, each court designated a program and adopted local rules as required by the act. The courts use a variety of delay reduction techniques learned from other states and the experience of the last two years.

The Trial Court Delay Reduction Act of 1986 also allows non-mandated courts to implement exemplary delay reduction programs within certain limitations. As of December 31, 1989, 10 courts have implemented voluntary delay reduction programs. These courts are: Fresno, Humboldt, Lake, Mendocino, Napa, San Joaquin, Santa Barbara, Sonoma, Stanislaus, and Yolo.

CHAPTER 9

STATE TRIAL COURT FUNDING

Fiscal year 1989-90 marked the first full year of state court funding under the Brown-Presley Trial Court Funding Act of 1988. The state of California provided $527 million to counties to support trial court operations in 1989-90.

During 1989, the following bills relating to state funding of trial courts were enacted into law:

- ☐ *Senate Bill No. 4* (Stats. 1989, ch. 3), was enacted as emergency legislation to provide specific clean-up language.

  It clarified that block grants for new judgeships would commence in the quarter following adoption of a resolution by the board of supervisors, and provided that funding would be available for commissioner and referee positions created on or before October 1, 1987. It also clarified ambiguities regarding penalty assessments in several counties.

- ☐ *Senate Bill No. 790* (Stats. 1989, ch. 986) extended provisions for an option county to provide retiree health benefits equal to superior court judges' benefits to municipal court judges who served prior to October 1, 1987.

  The bill also clarified disability retirement eligibility for judges who held office prior to 1989.

- ☐ *Senate Bill No. 710* (Stats. 1989, ch. 1417), in conforming various code sections to the recent constitutional amendment making justice courts courts of record as of January 1, 1990, provided for the salaries of justice court judges regardless of whether the court is in an option county.

The bill additionally specified that part-time justice court judges will, with the beginning of the next term of office, receive the same full-time salary and retirement benefits as municipal court judges and will be required to provide full-time judicial services by sitting under assignment in other courts when the work of the home court does not require the judge's presence.

Starting July 1, 1990, part-time judges may elect to participate in this program to work full-time in the judicial system. Increased salary costs for participating judges will be paid by the state, either through the supplemental block grants or through assignment funds provided to the Judicial Council, depending on whether the participating judge is from an option county or not.

- ☐ *Senate Bill No. 1350* (Stats. 1989, ch. 1389) establishing centralized payment of assigned judges' compensation and expenses, also included the same language as Senate Bill No. 710 regarding the part-time justice court judges program.

Use of Trial Court Funding Monies

One of the stated purposes of the legislation is to reduce existing disparities among the courts caused by local funding. The block grants provide increased funding for counties for court operations, but allow counties to use "freed up" money for other areas of local concern.

Determination on the amount and uses of the freed-up money is made on a local level. About half of the counties prepared written funding agreements on the use of new monies during the first 18 months of funding.

The Administrative Office of the Courts (AOC) conducted periodic surveys to determine how trial court funding was being used in the courts. The surveys suggest that the range of needs being met is wide and depends on other funding resources.

The majority of courts reported that increased staffing was their highest priority for immediate funding in January 1989. The development or improvement of court automation systems was identified as their second highest priority.

Other important needs being met by trial court funding, include: remodeling existing facilities, increasing space for court operations (in part, due to the number of increased judgeships approved at the same time), and purchasing office and courtroom equipment (fax machines, photocopiers, courtroom sound systems and seating, etc.).

Most funding agreements also identified areas requiring further study prior to commitments on funding. The most frequently cited areas included the need for long-range facilities planning, personnel classification studies, court security, and development of computer systems to improve court operations.

Justice Courts

Because the majority of justice courts are part-time, trial court funding requires that, using workload as the criteria, both the block grants of the courts and the salaries for judges be determined by the Judicial Council and reported annually to the State Controller's Office.

The statutes specify that part-time justice courts will receive a pro-rata block grant and the judges, a pro-rata salary, based on "the proportion of a full-time work week required to serve the court . . ."

In 1988, the Judicial Council adopted rule 750 (Judicial Workload Measurement to Determine Block Grants for Justice Courts) of the California Rules of Court.

The method uses the weighted caseload approach to calculate the full-time-equivalent workload based on the court's filings and then adjusts those results by rounding up to the next higher tenth, with two-tenths being the minimum time required to operate a court.

During 1989, the Judicial Council adopted rule 751 (Salary of a Part-time Justice Court Judge in an Option County). The method of computation is the same approach as for rule 750.

Supplemental block grants were not available for the salaries of justice court judges during the first six months of trial court funding.

Historically, the salary of each justice court judge was determined by the local board of supervisors. Although the AOC provided the counties with an annual assessment of the workload of each court and comparative salary information, this data was advisory. As a result, the salaries of justice court judges varied greatly among counties and even between judges within a county.

Effective July 1, 1989, option counties began receiving supplemental block grants for the state's share of the salary of justice court judges and the salaries were consistently determined throughout the state.

With the enactment this year of Senate Bill No. 710 and Senate Bill No. 1350, part-time judges may work full-time and receive full salary by making themselves available for assignments.

The Judicial Council will adopt rules governing availability and reporting subject to the approval of the Chief Justice, who has constitutional responsibility for assignments.

The program is elective during the judges' current term of office. Judges appointed or elected to a justice court after January 1, 1990, will be deemed to have agreed to make themselves available for judicial services on a full-time basis, thus ending part-time judgeships in California.

History of the Act

The Brown-Presley Trial Court Funding Act of 1988, established by Senate Bill No. 612 (Stats. 1988, ch. 945) and Assembly Bill No. 1197 (Stats. 1988, ch. 944), provides counties with state funds for the operation of trial courts.

The block grants for defined court operations are determined by the number of authorized judicial positions in a county and are adjusted annually by a specified cost-of-living formula.

Supplemental block grants provide the majority of costs for salaries of judicial officers established by the constitution or by statute. In the majority of counties, however, trial court funding grants do not meet the costs of court operations.

The act also requires that local property tax revenues be shared with cities having no or low taxes. As a result, the fiscal impact of opting into the program affects each county differently.

During the first effective period of state trial court funding (January 1 through June 30, 1989), only two counties—Madera and Santa Barbara—did not elect to participate in the program. All counties, however, elected to opt into the program for fiscal year 1989-90, the first full year of operation, and for the 1990-91 fiscal year.

To participate, a resolution opting into the program must be submitted to the state by November 15 of the preceding fiscal year. The resolution must be signed by the chair of the county board of supervisors, the presiding judge of the superior court, and the presiding judge of the municipal or justice court located in the county seat.

If the county has justice court judges, the presiding judge of the municipal court must state that a majority of the municipal and justice court judges have agreed to opt for state funding.

If the county does not have a municipal court, and a justice court has at least a 20 percent full-time-equivalent workload, the justice court judge in the county seat must sign the resolution.

Signing of the resolution indicates concurrence by a majority of the members of the supervisors and the judges of each of the courts.

CHAPTER 10

COURT PROFILES PROJECT

Improving the methods used to prepare weighted caseload studies and judgeship needs reports remained a Judicial Council priority during 1989.

In 1990, the council's Court Profiles Project enters the third year of an in-depth analysis of alternative approaches to assessing judicial resource needs at the trial court level.

Project staff concluded 1989 by recommending the creation of a new Judicial Council Advisory Committee.

Currently, trial courts and the Legislature use the weighted caseload system to estimate the need for additional judicial positions. While that system served as a reliable measure of need in the past, it has been determined that this method of estimating judgeships is not sufficient. The Court Profiles Project is charged with defining all the criteria that impact judicial resource need and court workload.

In 1989, project staff analyzed the components critical to the success of the project and presented three alternative approaches for producing court profiles reports:

- ☐ manual reporting system
- ☐ automated system
- ☐ management information system

Manual reporting system
Analysis determined that pilot projects should test a manual reporting system approach for producing court profiles. Most of the data elements identified by the project committee already are collected by the Administrative Office of the Courts (AOC).

Data not already collected could be obtained annually from trial courts and other sources to provide a data base for generating reports.

In addition, manual reports could incorporate sections on workload, productivity, judicial staffing, support staffing, and population demographics. The format might resemble a hybrid between judgeship needs studies and the more detailed court studies the AOC produces for trial courts upon request.

Automated system
An automated data collection reporting system is regarded as the next level of sophistication in the evolution of a court profiling system. The automated system would require electronic retrieval of unaggregated workload data in conjunction with other data bases at both the trial court and AOC levels.

Development of an automated system would produce a substantial increase in information. In addition to incorporating all the facts of a manual reporting system, an automated approach would have the advantage of instantaneous electronic retrieval of trial court workload and productivity data.

Court profile reports could be generated utilizing the most recent trial court data available.

Management information system
The development of a management information system requires an automated system that uses electronic networking to process and distribute trial court data to all levels of the judicial system.

It demands sophisticated levels of information technology at both the trial court and AOC levels allowing comprehensive on-line retrieval of unaggregated workload, expenditure, revenue, and productivity data.

Trial court judges and administrators, the Judicial Council, and the Legislature could use the system to track, report, and forecast judicial resource utilization throughout the trial court system.

Drawbacks of Current System

The analysis concluded that the existing reporting system, which provides historical data in an aggregate format, has the following deficiencies:

- ☐ Auditing data and accounting for error is difficult to accomplish;
- ☐ The effects of new legislation, court rules or programs cannot be isolated easily; and
- ☐ Key data elements essential to court management are not collected.

Furthermore, while other agencies have compiled a wealth of information about California trial courts, much of it is not readily usable for court profiles' purposes because the information is not uniformly collected or is aggregated in an unverifiable format.

These three approaches, therefore, constitute possible court profile data collection systems.

After carefully reviewing the analysis, a project advisory committee appointed by the AOC Director, approved the report's contents with amendments.

Advisory Committee Proposed

The project advisory committee also recommended the creation of a new Judicial Council Advisory Committee on Court Profiles to examine the judgeship creation process and to recommend improvements.

The AOC requested that the new committee be given the following responsibilities:

- ☐ Advise staff on the development of a reporting system designed to accurately assess judicial need;
- ☐ Provide additional court profile information regarding court operations and the factors influencing the need for additional judicial positions;
- ☐ Review the process of creating judicial positions;
- ☐ Recommend legislative and procedural changes that will eliminate unnecessary obstacles to creating properly justified judicial positions;
- ☐ Examine the impact of state trial court funding on the process for enacting judgeship legislation;
- ☐ Recommend ways to facilitate rational trial court resource planning; and
- ☐ Recommend to the Judicial Council methods for creating judicial positions and increasing the weight given objective resource need assessments in the process of enacting judgeship legislation.

Plans for 1990

In 1990, major efforts will be directed toward designing a pilot project testing program. Pilot project testing will be undertaken in several trial courts to develop an improved methodology for collecting and reporting trial court information that augments the weighted caseload methodology and judgeship needs reports.

Already 67 variables have been identified for methodology testing. The pilot project will assess the usefulness of these variables and the methods for collecting the data.

The Advisory Committee on Court Profiles will explore these areas and submit a report of its findings to the Court Management Committee, for presentation to the Judicial Council, in 1990.

CHAPTER 11

STATSCAN PROJECT

Interest in the STATSCAN/SUSTAIN statistical and case processing systems continued to grow among trial courts during the past year. A systematic and more thorough report to the California Legislature will be prepared in 1990.

At year-end 1989, STATSCAN was operating in 25 superior, municipal and justice courts throughout the state. During fiscal year 1988-89, the system also was installed in the small claims area of Los Angeles Municipal Court, which had been using STATSCAN in its unlawful detainer section during the first phase of the project.

Many courts have expressed interest in adapting the software for statistical and case management purposes. However, due to the priority given to delay reduction program courts, Administrative Office of the Courts (AOC) staff was not able to adequately service all the courts' needs. This limitation in service caused several courts to withdraw from the project and others to question the future direction of the project. The role of the AOC in developing and initiating an automated system in trial courts also came under much greater scrutiny.

Project History

The STATSCAN project was established in late 1985 as a decentralized method of automating the collection and reporting of case-by-case data to the AOC. It also was designed to help courts collect workload data beyond that required by the Judicial Council and to develop management reports from local databases.

The project was further designed to: facilitate better assessments of judgeship needs; monitor the effects of legislation on the courts; and produce data for Judicial Council reports in a more timely manner.

The original four pilot courts (San Diego Superior, Napa Superior, Los Angeles Municipal, and Oakland-Piedmont-Emeryville Municipal Court) tested various software and hardware configurations. The success of these tests led to the expansion of testing to other courts.

The program has grown during the last four years to 25 courts using STATSCAN software and equipment with varying levels of sophistication.

In addition to STATSCAN, three of the mandatory delay reduction courts use SUSTAIN, a case management software program, to help monitor program cases for reporting purposes.

System configurations

Courts with STATSCAN use various configurations of equipment. One of the most common is a basic stand-alone system, consisting of one microcomputer and numerous bar code scanners.

Five of the delay reduction courts (four mandatory and one voluntary) use local area networks with file servers and a large number of microcomputers and scanners.

Two of the mandatory delay reduction courts have STATSCAN software and a microcomputer, along with a special interface program designed to edit and transmit to the AOC data collected with the courts' own mainframe case management system.

Self-testing capacity

A major advantage of STATSCAN's microcomputer system over a manual tallying system is the local edit checks built into the software. When data is entered into the microcomputer by bar code scanner or key entry, the data passes a number of edit checks. Data that does not pass these checks is rejected and will not be transmitted to the Judicial Council until corrected.

Delay Reduction

Following the implementation of the trial court delay reduction program in 1988, the AOC STATSCAN project staff focused its resources on four mandatory delay reduction courts that already were using STATSCAN (Orange, Sacramento, Los Angeles and San Diego Superior Courts). As noted on the previous page, this limited support is available to other STATSCAN project courts.

STATSCAN has provided benefits to mandatory and voluntary delay reduction courts using program software by facilitating the production of mandatory civil and/or criminal addendum reports.

The mandatory delay reduction courts using STATSCAN also can produce the General Civil Case Status Report (CCSR). The AOC developed this report to keep the courts and the Judicial Council informed about the progress of delay reduction programs. The report summarizes delay reduction program case information in five categories: inventory summary; pending case status; disposition summary; case tracking summary; and trial status.

Trial Court Improvement Fund

In mid-1988, the AOC submitted an application for grants under the Trial Court Improvement Fund (TCIF) on behalf of approximately 65 trial courts interested in acquiring the STATSCAN/SUSTAIN system.

The application was approved by the Trial Court Improvement Fund Advisory Committee, but insufficient funds were made available.

In August and September of 1989, the courts that had requested funds in the original grant program process were contacted to evaluate their interest in obtaining the system and equipment should TCIF funding become available for fiscal year 1990-91. Many courts (60) expressed a continuing interest in the program.

STATSCAN in 1989

1989 was a period of reassessing and evaluating STATSCAN and determining the future direction of the program.

A survey distributed to all STATSCAN courts inquired about the suitability of the hardware and software and whether the system was being used to full capacity. The courts also were asked to identify the types of support needed from the AOC and the benefits and weaknesses of the system.

A brief report on the responses to the survey was distributed to the participating courts. The report lists strengths and weaknesses of the system, as identified by the courts, and provides a short project status summary of each project court.

Meetings with project coordinators from STATSCAN courts and the AOC director and staff were held in July to discuss the survey report, the progress of each court, and to inform court personnel of the AOC's evolving view of the project.

A follow-up letter subsequently was sent to each court requesting a description and evaluation of the following: the court's involvement in the project; its expectations for the project; the advantages of STATSCAN; problems implementing the project; and the court's success with the project.

A work plan will be developed for each court based on an evaluation of the AOC's 1990-91 priorities for the project and existing fiscal and staffing resources. This determination also will be based on input from the courts.

A few courts withdrew their participation in the project due to insufficient court staff and the lack of adequate AOC training and software support.

As part of the STATSCAN assessment being conducted in 1990, the six mandatory delay reduction courts using STATSCAN software and equipment analyzed and commented on the CCSRs prepared from the data transmitted to the Judicial Council between January 1988 to June 1989.

They also compared data generated from their STATSCAN data bases with data prepared by manual counts to help determine whether STATSCAN data accurately reflected the courts' delay reduction programs.

Four courts suggested many improvements to the CCSR. One court in particular stated that it is "confident that General Civil Case Status report provides an accurate assessment of the operation of the Expedited Trial Program."

The court assessments, and the AOC staff review, is continuing, and will result in many modifications and refinements to the report, which will provide the compilation of more valuable data.

Data Accuracy

In late 1988, the AOC's Statistics Unit held workshops with superior, municipal and justice court personnel to discuss statistical reporting issues. Other meetings were held with the courts using STATSCAN.

The STATSCAN courts, due to their ability to maintain automated case-by-case data, expressed increasing interest in accurate statistics. The meetings produced a list of reporting issues to be addressed by various AOC units.

An informal work committee, which included experienced personnel from STATSCAN superior courts, was established to help address these issues.

This committee already has contributed to the revision of the 1-C and 1-E addendum reports for civil cases.

Transition to Production

In June 1989, the AOC Director divided responsibility for the STATSCAN project among several AOC units. Responsibility for hardware and software was transferred to the Data Processing Unit. The Accounting Unit is responsible for maintaining an inventory of STATSCAN equipment in the AOC and the courts, and the Statistics Unit will visit the courts regularly to verify the presence of the equipment.

The Business Services Unit assists with equipment procurement and control, and the negotiating of contracts for maintenance and programming. The Court Services division retains responsibility for defining statistical requirements, most of the necessary training and support for court personnel, and preparation of judicial and legislative reports.

A report on the STATSCAN project has been prepared by a consultant and will be submitted to the Chief Justice in early 1990. It describes the history of the project, the findings during the pilot phase and present goals and plans for the project.

The Legislative Analyst's office also is preparing a report on STATSCAN that will be presented to the Legislature in early 1990.

Based on the successes of the project to date, the AOC hopes to secure expanded funding for the STATSCAN system in order to continue electronic reporting of trial court data.

CHAPTER 12

STATE-FEDERAL JUDICIAL COUNCIL

In 1971, the Judicial Council of the U.S. Court of Appeal for the Ninth Circuit adopted a resolution recommending that a state-federal judicial council be established in each state within the circuit. Summarizing the response to this concept, Judge J. Clifford Wallace, a Ninth Circuit judge, said:

> It is charitable to describe the response as mixed. Some states were silent; state-federal councils were established in some states but did not function; in one or two states, the council did meet regularly and occasionally made a significant contribution.[1]

In 1976, the judiciary again focused on the working relationship between the state and federal courts. As a result, on December 6, 1978, the Ninth Circuit Judicial Council reaffirmed its approval of the creation of state-federal judicial councils in each state.[2]

1 J. Clifford Wallace, *Before State and Federal Courts Clash*, (Fall 1985) The Judges' Journal, 37, 38.

2 *Ibid.*

Then Chief Circuit Judge James R. Browning appointed Judge Wallace to coordinate efforts to foster closer cooperation between state and federal courts. With the goal of sharing ideas and reducing friction between state and federal judiciaries, Judge Wallace worked with existing state-federal councils to increase their effectiveness and encouraged states without such a council to establish one.[3]

As noted by Judge Wallace, the impetus for creating state-federal councils came from former Chief Justice of the United States Warren Burger. Approximately two decades ago, Chief Justice Burger stated:

> ☐ I strongly urge that in each state there be created a state-federal judicial council to maintain continuing communication on all joint problems. Such a body could properly include a member of the highest state court, the chief judges of the larger state trial courts and the chief judges of the federal district courts.[4]

By 1985, state-federal judicial councils were established in each state within the Ninth Circuit.

The busy schedules of the state and federal judiciaries and the appointment of a new Chief Justice in 1986 resulted in a brief hiatus for the California council. The hiatus ended on February 11, 1988, when Judge Wallace, Chief Justice Malcolm M. Lucas, William E. Davis, Director of the Administrative Office of the Courts, and then Circuit Executive Francis L. Bremson, met to discuss re-establishment of the California State-Federal Judicial Council.

Membership

Procedures for the selection of council members were confirmed at that meeting with the following issues given top priority for council consideration at future meetings: state-federal relations in the death penalty area; certification of questions of state law; and judicial immunity.

On the federal side, the council is composed of four active district court judges, one from each judicial district, and two active court of appeal judges, one from the Los Angeles/San Diego area and one from the San Francisco/Sacramento area, each appointed by the Chief Circuit Judge. Four state trial judges, one from each of the four federal districts, and two state appellate judges are appointed by the California Chief Justice. The Chief Circuit Judge and the Chief Justice currently serve as co-chairs of the council.

Priority Topics

The American Bar Association (ABA) Task Force on Habeas Corpus, co-chaired by Chief Justice Lucas, was among the recent topics discussed by the council. The last of the ABA's three public hearings concluded on October 21, 1989, in New Orleans. The ABA and the United States Congress are scheduled to review the recommendations of the task force. In addition, Chief Justice Lucas suggested to the council that federal district and appellate courts adopt an "early warning" system in death penalty litigation to make the transition of cases from the state to the federal system flow more smoothly.

The state-federal council also has discussed the impact of the drug crisis on the courts. At the September 18, 1989, meeting of the council, Chief Justice Lucas and Mr. Davis reported on a meeting of the chief justices of the nine most populous states in the nation. Information provided by the chief justices points to the fact that more than 60 percent of all criminal cases filed are directly related to drugs, while 80 to 85 percent of all criminal cases filed are directly or indirectly related to drug transactions. Both state and federal judiciaries are concerned with the detrimental impact of the increased drug-related caseload on other kinds of disputes, especially civil claims. As a result, a few courts, such as the Santa Clara County Superior Court, have experimented with a separate drug court.

At the same meeting, the issue of certification of inmate grievance procedures under 42 U.S.C. section 1997(e) was discussed. Under section 1997(e), if a state prison system has a certified grievance procedure in place, an inmate filing a case in the federal district court may be required to exhaust state grievance procedures before the court considers the case. Ninth Circuit Judge William W. Schwarzer has urged Mr. Davis to continue his discussions with the state Attorney General regarding certification because California has not sought U.S. Attorney General certification of its grievance procedure. The council has voted to support and encourage certification of California's grievance procedures, and also to seek legislation amending section 1997(e) so that certification by the U.S. Attorney General is not a requirement.

The scope of the California State-Federal Judicial Council's concerns also encompasses multi-party litigation pending in state and federal courts, the new State Bar Court and disciplinary proceedings, fax filing and service, and the legislation introduced by seven senators from states in the Pacific Northwest to split the Ninth Circuit.

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3 *Ibid.*

4 *Ibid.*

CHAPTER 13

AUDIO & VIDEO RECORDING IN THE COURTS

Audio and video technology continued to expand in California courts during 1989. Because of a growing shortage of court reporters, the use of audio equipment to produce the verbatim record of court proceedings has become one of the most common applications. At times, the court reporter shortage became so acute that many superior courts were forced to suspend all proceedings or delay the start of proceedings due to the absence of a reporter.

California courts are watching the experience of the Los Angeles Superior Court, where prompt and accurate transcripts are being produced from electronic recordings. That court is recording sound only, using four-track cassette recorders combining two tape transport mechanisms ("decks") in a single unit that automatically switches from one tape deck to the other as the end of a cassette is reached.

Recording is monitored by a specially trained person in each electronic courtroom. Surveys indicate almost perfect on-time production of transcripts from the tapes, and 85 percent user satisfaction with this method of producing the record.

Court records reflect that the low number of equipment malfunctions resulted in only 18 minutes of court downtime in a total of 14 courts over a six-month period.

Demonstration Projects

The reporter shortage and the success of electronic recording in Los Angeles Superior Court contributed to the passage of Assembly Bill No. 1854 (Speier) (Stats. 1989, ch. 678). The bill authorizes the establishment of electronic recording demonstration projects in up to 75 superior court courtrooms.

The Judicial Council received applications from more than 90 superior court courtrooms interested in participating in the demonstration projects. To stay within the statutory limit of 75, the council was forced to deny some of the requests. The approved applications are from these courts:

- ☐ Alameda – eight departments
- ☐ Butte – one department
- ☐ Contra Costa – three departments
- ☐ Los Angeles – 35 departments
- ☐ Marin – two departments
- ☐ Orange – three departments
- ☐ Placer – one department
- ☐ Sacramento – eight departments
- ☐ San Bernardino – two departments
- ☐ San Joaquin – two departments
- ☐ San Mateo – three departments
- ☐ Santa Clara – three departments
- ☐ Santa Cruz – two departments
- ☐ Solano – two departments

Rules and Specifications

Although some states use the untranscribed electronic recording as the record on appeal, many members of the California bar fear that would excessively burden counsel on appeal, and that use of videotapes on appeal might change the nature of the appellate process by tempting the reviewing court judges to reweigh the evidence.

The rules adopted by the Judicial Council, effective January 1, 1990, provide that the untranscribed electronic medium may be used as the record on appeal only by stipulation of the parties, and then only with the approval of the reviewing court.

Video technology is being used successfully in several other states to make the official record of proceedings. The Judicial Council has adopted specifications, also effective January 1, 1990, for courtroom video equipment based on the equipment used by these other jurisdictions. The specifications call for at least five color video cameras and at least eight microphones providing the video and audio signals to the courtroom videocassette recorder.

Computerized switching systems send to the recorder the sound signals picked up by the microphones, and select for recording the video signal from the camera covering the same area as the active microphone.

The system normally produces two identical videocassettes for the court's records and two videocassettes that parties can purchase at nominal cost for an overnight review of each day's proceedings.

Video recording for the record joins existing applications, such as video arraignment, in applying modern technology to court operations.

CHAPTER 14

IMPACT OF DRUGS ON THE COURTS

Since 1988, civil delay reduction programs have been implemented in 24 California trial courts, including 20 superior courts and at least four municipal courts.[1] Following American Bar Association standards, the goal by 1991 is to dispose 90 percent of general civil cases within one year of filing using active court management techniques. The measurement for success is the courts' improved ability to provide a courtroom for program cases called for trial.

However, startling growth in criminal cases, fueled by drug offenses and drug-related offenses,[2] increasingly threatens not only the success of delay reduction, but the civil caseload generally and non-drug-related criminal cases as well.

For example, the San Diego County Superior Court introduced a comprehensive civil delay reduction plan a year ahead of other courts in the program, thus becoming the model for most other counties. However, in February 1989, the court suspended civil trials for a month to devote full time to criminal matters, many of which otherwise would have been dismissed.

Another example is Contra Costa County, a rapidly growing, largely suburban area near San Francisco. Four of the county's judges assigned to the delay reduction program to hear civil cases exclusively have not been able to carry out the assignment because criminal caseloads increasingly devour so much trial time that delay reduction judges can only hear criminal cases.

1 In California, trial court jurisdiction is divided. For civil cases, the monetary jurisdiction of the lower trial courts, known as the municipal and justice courts, is $25,000 or less. Cases of higher value are within superior court jurisdiction. Justice courts serve populations of 40,000 or less, while municipal courts serve larger communities. Felony offenses are arraigned and have preliminary hearings in the lower trial courts, but are tried in superior court. Defendants who plead in the lower trial courts are sentenced in superior court.

2 In this chapter, "drug offenses" refers to offenses recorded as narcotics violations, principally manufacture, transportation, sale, possession for sale and possession. "Drug-related offenses" are offenses for which drugs are an inducing factor, but which are recorded as separate statutory violations. Examples include homicide from gang warfare, robbery and burglary to support a drug habit and crimes committed under the influence of drugs.

Alarming Statistics

Because drug-related offenses generally have not been recorded as such, the extent of drugs' impact on the California court system is not fully reflected in judicial statistics. The statistics on drug offenses alone are daunting enough, however, to cause serious alarm.

The crisis began around 1983-1984 when underground chemistry began to produce "crack," an inexpensive derivative of cocaine, by heating a mixture of cocaine powder and baking soda. Within a few years, use of the drug spread.[3] For example, in 1983 a 25 percent jump in adult felony arrests for non-marijuana drug violations was reported by California law enforcement agencies to the State Department of Justice.[4] This one-year rate of increase was greater than the cumulative 24 percent growth over the four previous years. Between 1983 and 1987, the rate of increase for non-marijuana arrests was a staggering 211 percent. This percentage translates into large numbers: an increase of 62,580 adult felony arrests for non-marijuana drug violations.

"Crack" is not the only drug of choice in California communities. For example, PCP predominates in the San Jose area, while methamphetamines are popular in and around San Diego and Sacramento. But the rise in adult arrests closely parallels the advent of "crack."

Drug Law Violations
(other than marijuana)

1978	36,177
1979	39,017
1980	41,416
1981	43,622
1982	44,939
1983	56,244
1984	67,676
1985	78,968
1986	102,998
1987	118,824

Note: This table reflects statewide adult felony arrest offenses reported by law enforcement agencies. This data was published in the "Criminal Justice Profile" published by the Department of Justice, Bureau of Criminal Statistics.

Narcotic and Drug Law Violations
Prison Commitments Per 100 Convictions,
Narcotic and Drug Law Violations

	Narcotics			*All Drug Law Violations*
	Possession	*Possession for Sale*	*Sale*	
1988	16,800	7,500	9,400	47,300
1987	13,000	5,800	7,200	39,600
1986	9,100	4,400	5,800	32,300
1985	5,400	2,700	3,000	22,600
1984	3,300	1,800	1,900	15,000

Source: Sentencing Practices Quarterlies

According to sentencing reports prepared by the Administrative Office of the Courts (AOC), approximate convictions for drug offenses rose from 15,000 in 1984 to 47,000 in 1988. This 293 percent jump was the major factor in an overall conviction increase of 66 percent. Without drug cases, the number of convictions would have grown a more modest 25 percent. As noted above, these statistics do not include drug-related offenses, where drugs influence other, often violent, criminal behavior.[5]

Moreover, it is estimated that a "simple" drug case (one defendant, police witness) takes about three to four days to try in Alameda County (Oakland), plus a half day for motions to suppress evidence. The cumulative trial time for these cases has swollen with the increased caseload.

Findings of Court Survey

In March 1989, AOC staff members conducted a telephone survey of persons with special knowledge of the impact of drug offenses and drug-related offenses on the California courts. Most of those interviewed were trial judges. Also included were two district attorneys and a law school dean. Twenty-four courts of various sizes were represented: two appellate, 10 superior, 11 municipal and four justice. They are located in both urban and rural areas.

The survey yielded the following significant findings:

- ☐ *The impact of drugs on the courts was first noticed around 1983 and 1984.*

The Los Angeles County Superior Court was perhaps the first jurisdiction to feel the impact of "crack" around 1983 and 1984 when the drug first appeared on the streets. The Fresno Consolidated Municipal Court District in the agricultural Central Valley experienced the impact around 1985 and 1986. On the other hand, the San Francisco County Superior Court was not impacted until 1987. Some of those interviewed suggested that the impact on a particular court depended on when dealers became organized and law enforcement concentrated on drug arrests.

Proceedings for methamphetamine offenses also began to rise significantly in 1983 and 1984, particularly in rural northern California.

3 See Skolnick, The Social Structure of Street Drug Dealing (1988), BCS Forum, Office of the Attorney General, California Department of Justice 15.

4 Not to be overlooked is the impact of marijuana, which has been produced in more potent forms in recent years, while the arrest rate has remained fairly steady through 1987.

5 The average "simple" felony trial in Alameda County takes about four to six days. Single defendant burglaries and robberies take around 10 trial days. Homicide trials may last several months, especially if the death penalty is sought.

☐ *Drug offenses and drug-related offenses now account for a majority of criminal proceedings in California trial courts.*

The larger metropolitan courts surveyed report that drug offenses constitute 60 to 65 percent of the criminal caseload and that drug-related offenses add another 20 percent. This is consistent with figures supplied by the Office of the Attorney General, which estimates that 50 percent of felony filings in urban counties are for drug offenses, up from 25 percent five years ago.

While individual cases generally do not take much judicial time, the growing volume of such offenses threatens to clog the judicial system. Drug-related cases, especially violent crimes, are fewer, but can require substantial pre-trial proceedings and lengthy trials. These cases appear to be increasing substantially.

☐ *The greatest impact of drug cases and drug-related cases in the trial courts has been on the civil calendar.*

Drug and drug-related cases have impeded the success of civil delay reduction programs. Due to the priority of criminal cases, the number of courtrooms available for civil trials in some superior courts have become limited or temporarily eliminated.

☐ *In most trial courts surveyed, the problem is growing worse.*

While some courts report that drug cases and drug-related cases appear to be stabilizing, most state that the problem is increasing steadily. Again, drug-related offenses are a particular concern. Drug-related homicide, battery, assault and other violent crimes appear to have increased dramatically.

☐ *Most trial courts have been able to cope through active management.*

Ironically, although the drug crisis has impeded civil delay reduction, management techniques associated with delay reduction have most effectively mitigated the impact of drug cases and drug-related cases. Calendar control methods have been applied to both criminal and civil caseloads. Techniques include early screening of cases, a strict policy against continuances and time waivers, and aggressive settlement techniques. Some jurisdictions are considering special "drug courts," using a direct calendar, where such management techniques may be applied. First-time users of small quantities tend to be admitted to diversion programs.

Some district attorneys will move to revoke probation in selected cases rather than proceed to trial on a new offense. The revocation hearing may last 15 minutes to a half hour, as opposed to a three- to five-day jury trial on the new charge.

☐ *Trial courts cite concern about their ability to continue providing access to civil justice if the problem continues.*

Some courts fear that civil cases will continue to be delayed as a result of the swelling criminal caseload. Some judges expect to be trying only criminal cases, while others predict their courts will collapse.

☐ *The appellate courts appear not to be nearly as impacted as the trial courts.*

While the number of appeals from drug cases and drug-related cases has increased in recent years, the overall mix of appeals has remained about the same. Relatively few drug cases are tried. Drug offense appeals generally focus on search and seizure, sentencing on probation revocation issues, none of which normally take a large amount of appellate time. The influence of drugs in other criminal appeals is not clear.

☐ *The courts surveyed suggest coordination as the best hope to mitigate the impact of the drug crisis on the courts.*

Within the court system, coordination between the lower trial courts and the superior courts can reduce the procedures required to process drug cases and drug-related cases. For example, the sentencing judge in the Sacramento County Superior Court has joined settlement discussions in municipal court and helped obtain dispositions before cases reach superior court.

Persons surveyed also stressed the need for coordination between the police, the district attorney, and the courts.

Federal-state task forces have been formed. The Los Angeles County Task Force on Drug Abuse consists of federal, state and local agencies, including the superior and municipal courts, federal and county probation offices, the police and sheriff's departments, the Drug Enforcement Agency, the FBI, the United States attorney, the district attorney, the coroner, and the superintendent of schools.

Indeed, several people surveyed suggested the legal, justice and social agencies in a community must be coordinated in a multi-faceted approach to the problem.

No single element appears to be the solution. Judges state that prison alone is not the answer. Prisons are becoming ever more overcrowded and teach some inmates how to become more effective offenders after release. Certainly, more judges are needed, but the numbers likely to be appointed cannot handle the problem. Those surveyed stress the importance of supervision, rehabilitation and, particularly, education. Many believe that education must begin in the primary schools and should involve parents.[6]

More Statistics Needed

The concern about drug-related offenses, particularly violent crime, suggests that statistics should be kept in this area. While identification of drug-related offenses contains a subjective element, the influence of drugs on felonies can be identified with reasonable accuracy. The persons interviewed stated that drug involvement can be determined from probation reports, evidence at preliminary hearings, proceedings in limine, and trials. In Los Angeles County, persons arrested routinely are tested for drugs.

Reasonably accurate statistics would reveal the nature and extent of drug-related offenses and enable the courts to manage these cases more extensively. The information also may help demonstrate the need for additional judges.

6 A district attorney estimated the predominant age range of adult drug dealers he has seen to be 18-23. A juvenile court judge states that he has seen dealers who are 15 years old and younger, and runners and lookouts as young as age 8.

CHAPTER 15

FAMILY COURT SERVICES

Family mediation programs and conciliation courts serve a significant number of family law cases in California. Estimates drawn from current research indicates that more than 48,800 mediation cases were opened during the 12-month period from July 1987 to July 1988 with a settlement rate of 84.6 percent.

The Judicial Council received the mandate to establish a Statewide Office of Family Court Services* in 1984 when the California Legislature determined that significant changes in family law had occurred over the years. Among the most important of these was legislation authorizing awards for the joint custody of children and requiring the mediation of child custody and visitation disputes.

However, because the means were lacking to implement, coordinate, and evaluate such changes, the Legislature enacted a statute directing the Judicial Council to provide coordination and services in the following areas:

- ☐ assist counties in implementing mandatory mediation and custody laws;
- ☐ establish and carry out a uniform statistical reporting system;
- ☐ administer a program of grants to public and private agencies for research, study and demonstration projects in family law;
- ☐ provide a program for the training of court personnel involved in family law proceedings; and
- ☐ provide the Legislature with evaluations of the effectiveness of current law for the purpose of shaping future public policy.

* The Statewide Office of Family Court Services was created by chapter 893/1984, Title 10 of the Civil Code section 5180-5183 "Statewide Coordination of Family Mediation and Conciliation Court Services." Before William E. Davis, director of the Administrative Office of the Courts (AOC), created a separate Family Court Services Unit in June 1987, family court services was handled as a project in the AOC's Court Consultative Services and the Legal Unit.

The Statewide Office of Family Court Services is staffed by an interdisciplinary team assisted by consultants. Collectively, they provide expertise in research, statistics, family psychology, child development, mediation, management, and court processes. The office collaborates closely with other units of the Administrative Office of the Courts (AOC), especially the family law section of the Legal Unit.

One of the unit's first challenges was identifying the areas of greatest need and prioritizing available resources.

A comprehensive needs assessment study was made in 1987-88 to allow court personnel — staff, judges, mediators, evaluators, administrators, and parents using Family Court Services — to air concerns and identify needs.

The study included a survey of 1,585 parents, 374 court personnel, 297 attorneys and private mental health practioners and in-depth interviews with 129 court personnel.

The study revealed an urgent need for basic services in all areas. This information and other findings, discussed at length with court personnel in later meetings, workshops and conferences, were translated into specific goals and priorities for each service area. Following is a summary of the goals and primary activities of the Statewide Office of Family Court Services.

Training and Education

The goal of the statewide office is to develop and administer training programs for all Mediation and Family Court Services personnel and to prepare manuals, audio- and videotapes, and other educational materials for their use. The following materials and programs have been developed:

Audio/visual education program
This program consists of audio/visual tapes of selected proceedings that are sent to each court for in-service training; a Spanish language parent education videotape that prepares Spanish-speaking clients for mediation; and an English language parent education videotape that prepares English-speaking clients for mediation.

Training and education programs
These programs, totaling 50 to 55 hours per year, are offered to court mediators, evaluators, administrators and other personnel. Training includes: one annual two-day statewide conference for 250 to 300 participants; two annual two-day regional conferences for 90 to 150 people per region, and intensive training (with small groups) of three days duration in three regions of the state on specific topics.

Training and reference manuals
The following manuals are being developed for use by family courts throughout California:

- ☐ *The California Family Law Desk Reference* for mediation and conciliation programs, evaluators and administrators. Includes all pertinent codes and Judicial Council forms.
- ☐ *The Child Custody Mediation Manual* will provide descriptions of current mediation practices and techniques.
- ☐ *The Child Custody Evaluation Manual* will describe the essential elements and procedures for conducting child custody evaluations.
- ☐ *The Parent Education Profile* will describe parent education procedures in counties and will highlight model programs.

Management and Implementation of Laws

The goal is to provide direct consultation to counties in implementing custody and mediation laws. The following materials and programs assist in this implementation:

Training and reference manuals and profiles of services
These publications list and describe current family court personnel, procedures, and processes in all mediation and conciliation court programs. They are:

- ☐ *California Family Court Services Directory* lists the staff of the Statewide Office of Family Court Services, court executives, family law bench officers, county clerks, and county bar contacts.
- ☐ *Managing the Family Court Services Organization* is a basic reference manual based on a specially-designed management and leadership model for court services.
- ☐ *Profile of Procedures in Mediation Programs for Clients With Issues of Domestic Violence and Child Abuse* will profile model service programs and reports on local procedures currently in use.
- ☐ *Profile of Procedures in Mediation Programs for Clients With Issues of Diverse Cultural and Economic Backgrounds* will discuss local FCS issues and circumstances.
- ☐ *Statewide Salary Survey* of mediators, evaluators, supervisors and directors provides information on salaries by county and position.
- ☐ *Profiles of Mediation and Evaluation Services in California* profiles each court's services and provides an overview of California Family Court.

Uniform statewide standards for mediation
While educational standards for mediators were defined in 1981, uniform standards for the mediation process itself, including best interests of the child, balancing power within mediation, and the essential elements of a parenting plan were lacking.

A legislative mandate Senate Bill No. 2510 (Robbins) to develop such statewide standards was given to the Judicial Council in 1988. The development of these uniform standards is being carried out through a broad, collaborative process led by the statewide office.

The first draft of the standards was developed in Spring 1989 and was reviewed by all attendees of the southern and regional fall conferences and later by all directors of the Statewide Office of Family Court Services.

The second draft was developed based on this feedback and was the subject of regional hearings and/or task force activities in the winter and spring of 1990.

Counselor exchange program
This program allows for local counselors and mediators to spend up to two weeks in another court system learning their procedures and observing approaches to common problems and populations. Four exchanges were carried out during 1989.

Statewide newsletter
This bi-annual publication reports statewide projects, individual county projects and news and is distributed to all California courts, interested legislators and professional organizations.

Evaluation Research

The goal is to evaluate mandatory mediation programs and the impact of custody and mediation on children and families. Major projects include:

Statewide needs assessment study
The purpose of this project is to identify coordination, training and research needs. The study formed the basis for allocating resources and establishing priorities. An extensive report on the original study findings, the resulting programs, projects and activities, and the upcoming assessment update, is scheduled for completion in 1990.

Statewide study project and core database
The core database stores information about family court services in each California county. The foundation for this database is a statewide study of operations in all mediation and conciliation court programs, which included an 87-page questionnaire completed on each county, and on follow-up visits and interviews in 47 counties.

Bibliographic search and meta-analysis
This set of four projects collects, summarizes, and statistically evaluates information on topic areas targeted by the Legislature and the statewide needs assessment.

Focus group research
This project is designed to allow parents using the court system to explain how the family court system played a role in developing their post-divorce parenting plans.

The research is expected to clarify how parents define "best interest" and identify the court process that helps form satisfactory parenting agreements. Attention will be given to the wide range of cultural and economic circumstances of families using the court system.

Research Grants Program

The goal is to administer an annual grant program for research, study and demonstration projects in the areas of family law, mediation and Family Court Services.

Family court services grants program
Six grants were funded in 1988, the first funding cycle of the program, on the recommendations of the Family Court Services Advisory Committee. In 1989, the Judicial Council approved funding for two more grants.

Family Court Services Advisory Committee
This 13-member committee is responsible for recommending criteria for the selection of grants and for recommending grant recipients to the Judicial Council.

Uniform Statistical Reporting

The goal is to collect uniform statewide statistics, including final custody dispositions and other specified family law matters.

Family law records survey
This survey drew information from county clerks in all counties to establish the most efficient method of collecting accurate information from court records on family law matters.

Multi-site guidelines
This project implements research methods for developing information sampling processes applicable statewide from a subset of counties.

Statistical reporting pretests I and II
These were pretests of methods of periodically using questionnaire data to draw information from court mediators, counselors and family mediation or conciliation court clients. The pretest sample size was 426 cases in seven courts.

National Meeting of Statewide Directors

The first national meeting of Statewide Directors of Court-Connected Child Custody Mediation Program was hosted and sponsored by the Statewide Office of Family Court Services at the invitation of Chief Justice Malcolm M. Lucas on October 5-6, 1989, in San Francisco. The meeting was preceded by the development of a state-by-state profile of the functions and programs of statewide offices of family mediation. This material is now being used by other states as they develop or refine their own statewide offices.

CHAPTER 16

JUDICIAL COUNCIL LEGAL FORMS

During 1989, the Judicial Council approved 11 new forms and revised 15 forms for statewide use in the courts. Most of the forms were prepared and recommended by the Judicial Council Advisory Committee on Legal Forms, a statewide committee with representation from the State Bar, the judiciary, and court clerks' offices. Since one of its meetings was canceled due to an earthquake, the committee did not consider all 1989 forms.

A new category of forms for juvenile courts, prepared and recommended by the Judicial Council Advisory Committee on Juvenile Court Law, was introduced in 1989.

Three forms for use in delay reduction programs in volunteer courts also were approved in 1989.

Camera-ready masters of the new and revised forms were sent to the trial courts, allowing each court to reproduce the forms for local use. Masters of the forms used by the levying officers were mailed to them. Several legal publishers reproduce and supply the forms.

An explanation of the new forms and background on the changes to existing forms follow.

General Legal Forms

Statutes of 1989, chapter 873, changes the time for a defendant to answer an unlawful detainer complaint from five calendar days to five days including Saturday and Sunday but excluding other court holidays. Accordingly, the Unlawful Detainer Summons adopted by rule 982(a)(11) was revised to inform defendants of the new deadline.

Family Law Forms

Statutes of 1988, chapter 1017, were operative July 1, 1989, and provide a procedure for interception of state income tax refunds or lottery winnings of persons who owe child support arrears.

The Judicial Council adopted four new forms for mandatory use to implement the statute, Code of Civil Procedure sections 708.730(d) and 708.780.

Statutes of 1989, chapter 1359, amended the statute to make the procedure available to collect arrears in child, family, and spousal support.

The following new forms were adopted to implement the procedure, or were revised to delete the child support limitation and incorporate references to family and spousal support:

- ☐ Application for Notice of Support Arrearage (rule 1297.90)
- ☐ Proof of Service of Application (rule 1297.91)
- ☐ Notice of Support Arrearage (rule 1297.92)
- ☐ Notice to Judgment Debtor (rule 1297.93)

The Abstract of Support Judgment (rule 1285.80) was revised to delete item "e" requiring the insertion of the address to which a summons was served, or a Notice of Entry of Sister-State Judgment was served or mailed. 1988 legislation deleted this requirement from the form.

The telephonic emergency protective order procedure was established as part of the Domestic Violence Protection Act at Code of Civil Procedure section 546(b). It permits a law enforcement officer at the scene of a domestic violence incident to telephone a judicial officer when the superior court is not in session to obtain a protective order that the officer reduces to writing.

Statutes of 1989, chapter 1409, amended the act to make these telephonic orders last two court days from the date of issuance rather than one as provided by the original statute.

It also added a section to the Welfare and Institutions Code to make the orders explicitly applicable to cases of child abuse.

The original procedure involved use of two different multi-layer forms to be completed by law enforcement officials: an application form and an order form.

At the request of these officials, the two forms were combined into one form, Emergency Protective Order (rule 1295.90). The former Emergency Protective Order form adopted by rule 1295.95 was revoked.

Wage Garnishment Forms

Statutes of 1989, chapter 263, amended Code of Civil Procedure section 706.022, to provide that a wage garnishment period continue until the entire amount owing has been withheld, rather than for 90 days.

The change in the law required changes in the following Judicial Council forms:

- ☐ Earnings Withholding Order (rule 982.5(2))
- ☐ Employer's Instructions (rule 982.5(2) (reverse))
- ☐ Employer's Return (rule 982.5(4))
- ☐ Employee Instructions (rule 982.5(A))

Enforcement of Judgment Forms

The Notice of Renewal of Judgment form (form EJ-195) was revised to delete material that might mislead users to believe that its completion constituted a proof of service.

The Statement for Registration of Foreign Support Order and Clerk's Notice (form EJ-120) was revised effective December 1, 1989, at the request of the Attorney General. Its revision was deemed necessary to make compliance with federal child support enforcement laws easier.

Juvenile Forms

Statutes of 1988, chapter 457, required the Judicial Council to prepare in English and Spanish a pamphlet explaining in understandable language the duties of a minor and the rights, duties, and obligations of a guardian of a minor. The pamphlet was intended for distribution by juvenile courts in guardianships under the Welfare and Institutions Code.

The Judicial Council Advisory Committee on Juvenile Court Law drafted the text of the pamphlet, circulated it for comment, and revised it in light of the comments before recommending its adoption to the Judicial Council.

The first in a new category of Judicial Council forms, the Guardianship Pamphlet is JV-350 and the Guardianship Pamphlet (Spanish) is JV-355.

Statutes of 1989, chapter 137, amends sections 304 and 362.4 of the Welfare and Institutions Code to require the Judicial Council to adopt forms for restraining orders and custody orders to be issued in cases involving dependent children of the juvenile court.

The custody order may be filed in an existing dissolution, nullity, legal separation, or paternity proceeding, or it may be used as the basis for establishing a court file.

Rules were adopted to establish the procedures for using these newly mandated forms. The forms adopted were Custody Order–Juvenile (form JV-200) and Restraining Order–Juvenile (form JV-250).

Small Claims Forms

Several bills affecting small claims court procedures were enacted in 1989.

One bill (Stats. 1989, ch. 1028) permits a judgment debtor to pay the judgment to the court rather than to the judgment creditor.

Amendments to the Code of Civil Procedure made by several other bills extended the minimum notice and scheduling period for small claims hearings from five to 10 days and authorized a defendant to request a continuance in writing (Stats. 1989, ch. 1153), authorized a defendant to challenge venue in writing (Stats. 1989, chapter 1137), and provided that on appeal of a small claims judgment by any party, all claims will be tried anew (Stats. 1989, ch. 1416).

Responding to the legislation, the Judicial Council approved one new form and revised five existing forms.

The new form was Request to Pay Judgment to Court (form SC-145).

Revised were:

- ☐ Plaintiff's Claim and Order to Defendant (form SC-100)

- ☐ Plaintiff's Claim and Order to Defendant – Unlawful Detainer (form SC-110)
- ☐ Notice of Entry of Judgment (form SC-130)
- ☐ Information After Judgment(form SC-131)
- ☐ Information for the Plaintiff (form SC-150)

Decedents' Estates Forms

In response to continuing legislation reforming the Probate Code, (Stats. 1988, ch. 1199) effective July 1, 1989, the Judicial Council approved two new forms and revised four existing forms.

Among the statutes changed were the provisions for giving notice of probate proceedings and the provision for service of a citation, which was replaced with the requirement of service of a summons in specified cases.

The new and revised forms adopted for optional use are:

- ☐ Petition for Probate (form DE-111)
- ☐ Notice of Hearing (form DE-120)
- ☐ Notice of Petition to Administer Estate (form DE-121)
- ☐ Summons (Probate) (form DE-125)
- ☐ Request for Special Notice (form DE-154

•A new form adopted for mandatory use was Duties and Liabilities of Personal Representative (form DE-147). This form must be given to an individual personal representative, who must file an acknowledgment of its receipt.

Delay Reduction in Volunteer Courts Forms

Government Code section 68605 required the Judicial Council, using specified criteria, to designate nine superior courts to conduct delay reduction programs under which trials would be conducted or actions otherwise disposed of within guidelines established by the Judicial Council. The guidelines were designed to lead to the speedy resolution of litigation.

Advisory Committee on Legal Forms

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Judge Superior Court
San Diego County
San Francisco

Hon. Peggy Fulton Hora
Judge, Municipal Court
Hayward

Hon. Ken M. Kawaichi
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Rancho Cucamonga

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Orange County

Mr. Troy Harris
Deputy Santa Barbara County Recorder
Santa Barbara

Mr. John S. Higgins
Tulare County District Attorney
Visalia

Mr. Lawrence T. Jackson
Chief, Court Services Division
Los Angeles Superior Court

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Ms. Deanna S. Myhre
Attorney at Law
Vacaville

Ms. Lessie Sinclair Nixon
Attorney at Law
Santa Barbara

Mr. Frank Roesch
Attorney at Law
Union City

In addition, Government Code section 68618 permits additional superior courts to elect to establish exemplary delay reduction programs and Government Code section 68619(b) requires the Judicial Council to adopt uniform rules for these programs in volunteer courts.

The Judicial Council adopted rules 1901 through 1915 and several forms to assist these programs.

Two forms were adopted for mandatory use in proceedings under the delay reduction programs in volunteer courts: Notice of First Case Management Conference (DR-100) and Case Management Conference Questionnaire (DR-110).

An optional form, Case Management Conference Orders (DR-120), also was approved for use in these proceedings.

Miscellaneous Civil Forms

Statutes of 1988, chapter 1492, amended Health and Safety Code section 11488.5 to require the Judicial Council to approve an official form for a verified claim to preserve a party's interest in property that is the subject of a forfeiture proceeding. Accordingly, the Judicial Council approved Claim Opposing Forfeiture (MC-200).

CHAPTER 17

CHANGES IN THE CALIFORNIA RULES OF COURT

During 1989, the Judicial Council adopted 97 new rules and 6 new recommended Standards of Judicial Administration. The council also amended 33 rules and 1 standard.

Appellate Rules

Time to file notice of appeal (rule 2)
To eliminate potential confusion about what constitutes notice of entry of judgment sufficient to trigger the 60-day limit for notices of appeal, the council amended rule 2(a) to provide that the 60-day period for filing a notice of appeal begins when the clerk mails, or a party serves, a document entitled "notice of entry" or a file-stamped copy of the judgment or appealable order.

Time for electing to pay judgment in installments (rule 2.5)
The council adopted rule 2.5 to set the time for making an election to pay a judgment in installments pursuant to Government Code section 984 and the time to appeal after the election.

Original clerk's file in lieu of transcript (rule 5.2)
Rule 5.2 was adopted to allow the use of the original clerk's file by stipulation in appellate districts that agree to accept the original clerk's file, making the procedure neither mandatory nor one that can be imposed by either party unilaterally.

Holding of record for correction (rules 8 and 35)
Rule 8 was repealed and rule 35 was amended to eliminate holding the record in the trial court for possible correction, except in death cases, so that the record will be sent up when complete and corrections will be handled under rule 12.

Clerk's transcript (rule 9(e))
The council amended rule 9(e) to require the name of every trial judge who participated in the case to appear on the cover of the clerk's transcript but not to require this information in each index entry of the transcript.

Notification of filing of record (rule 10)
Rule 10 was amended to require the clerk of a Court of Appeal to notify the parties when the record is filed.

Receipt of augmentation materials (rule 12)
Rule 12 was amended to require the clerk of a Court of Appeal to notify the parties when materials are received pursuant to an augmentation order.

Explanation of appealable nature of order (rule 13)
Rule 13 was amended to require appellant's opening brief to state that the appeal is from a judgment that finally disposes of all issues between the parties, or to explain why the order is appealable.

Amicus briefs (rule 14)
Rule 14(b) was amended to specify that amicus submissions supporting or opposing a Supreme Court grant of review or a writ be in letter form.

Rule 14(b) was further amended to correct references to rule 28 that apparently were overlooked when rule 28 was amended in 1985 to conform to the amendment of Constitution, article VI, section 12 (Proposition 32).

Decisions on motions (rule 21)
Rule 21 was amended to delete the obsolete reference to "noticed motions" in reviewing courts and to clarify that motions normally will be decided without argument but may be calendared for argument on the court's order.

Finality of order denying petition for writ of habeas corpus; rehearing following decision becoming final after holiday (rule 24)
The council amended rule 24(a) to give the denial of a petition for writ of habeas corpus the same date of finality as the decision of a related appeal filed on the same day as the denial.

Rule 24(a) was further amended to insert the words "or denied" in describing the Court of Appeal's power to rule on rehearing on the first day the court is open after a holiday on which the decision became final.

Costs (rule 26)
Rule 26(b) was amended to delete obsolete guides to the clerk in awarding costs in the absence of a specific order.

Rule 26(d) was amended to make the time for claiming costs 40 days from the mailing of notice of issuance of the remittitur, instead of the present 30 days from the filing of the remittitur in the trial court.

Granting of review on court's own motion; proof of service of petition for review (rule 28)
Rule 28(a) was amended to give the Supreme Court power to grant review on its own motion on the next court day after a holiday on which its time to act would otherwise have expired; and by virtue of the cross-reference in rule 45(c), give the Chief Justice the power, within the same time, to grant relief from default from a failure to file a timely petition for review.

The council also amended rule 28(e) to require proof of service of a petition for review to name the parties represented by each attorney served.

Supplemental briefing following transfer of cases (rule 29.4)
Rule 29.4 was amended to authorize, in causes transferred from the Supreme Court to a Court of Appeal, supplemental briefing limited to matters that arose after the date of the original Court of Appeal decision, unless the presiding justice permits briefing on other matters.

Certificate of probable cause (rule 31)
Rule 31(d) was amended, effective March 17, 1989, by deleting the requirement of a certificate of probable cause for an appeal after a guilty plea, to conform to a recent amendment to Penal Code section 1237.5. Rule 31(d) was further amended, effective January 1, 1992, to restore the requirement of a certificate of probable cause, to conform to the sunset clause in Penal Code section 1237.5 which restores the former law.

Including communications with jury in record (rules 33, 231)
The council amended rule 33 (defining the normal record on appeal in criminal cases) to require the record to include all communications with the jury, and adopted rule 231 to require superior court trial judges in civil and criminal cases to preserve all written communications to or from the jury.

Length of briefs in criminal cases; time for opening briefs (rule 37)
The council added subdivision (c) to rule 37 to limit principal briefs to 200 pages, reply briefs to 100 pages, and petitions for rehearing to 50 pages in cases involving the death penalty, and limit briefs in noncapital criminal

appeals to 75 pages. Subsequently, the council amended rule 37(c) to change the time for filing appellant's opening briefs in criminal cases from 30 to 40 days. This later amendment is designed to encourage high quality briefing in indigent criminal appeals.

The council also added subdivision (d) to make the page limits on briefs applicable to cases where the appellant's opening brief is filed on or after January 1, 1990.

The council also amended rule 37(b) to remove the reference to rule 15(e) to conform to the newly adopted page limitations.

Juvenile appeals (rule 39)
The council amended rule 39 to clarify the right to appeal from the denial of rehearing of the decision of a juvenile traffic hearing officer and to specify the record on appearance for those cases.

Filing briefs by certified or express mail; computerized dockets (rule 40)
New subdivision (n) of rule 40 defines "date of filing" of a brief to include date of mailing via certified or express mail or delivery to an overnight delivery common carrier. Subdivision (k), which defines "brief," was technically amended to include petitions for "review" rather than the obsolete petitions for "hearing."

Rule 40 was also amended to define "register" to include the permanent record kept by electronic or similar means, to conform to Court of Appeal computerization of their dockets.

Number of copies of brief (rule 44)
Rule 44(b) was amended to adjust in light of current court needs the number of copies of briefs required to be filed (reducing some and increasing others slightly).

Trial court grant of extensions (rule 45)
Rule 45(b) was amended to take away trial court authority to grant extensions for any step in the appellate process in civil appeals, conforming them to criminal appeals.

Good cause for extensions in briefing (rule 45.5)
Rule 45.5 was adopted to help define good cause for extensions in briefing time.

Case assignment (rule 47)
Rule 47 was amended to authorize case assignment to a division upon the Court of Appeal's receipt of a copy of the notice of appeal.

References to "hearing" (rule 50)
Rule 50 was amended to change obsolete references to "hearing" in the Supreme Court to "review."

Minimum contents of Court of Appeal minutes (rule 55)
Rule 55 was amended to enumerate the minimum contents of minutes of Courts of Appeal. Their minutes are published in the *California Official Reports* advance sheets.

Copies of settled statement (rule 187)
Rule 187 was amended to require that the clerk of a municipal or justice court mail to the parties copies of the certified settled statement, as transmitted to the superior court appellate department, unless the judge certifies that the appellant's proposed settled statement was accepted without significant change.

Appeals in bifurcated family law cases (rules 1269 and 1269.5)
The council repealed obsolete rule 1269 and adopted new chapter 3.2 ("Bifurcation and Appeals") of title IV, division 1 containing rules 1269 and 1269.5 that deal with the trial and interlocutory appeal of bifurcated issues in family law cases.

Earthquake emergency rules (rules A and B)
The council adopted rules in response to the October 17, 1989, earthquake in Northern California. Rule A extends the time (by excluding the time from October 18, 1989 through November 1, 1989) for petitioning for rehearing and for a reviewing court to grant rehearing, the time for petitioning for review in the Supreme Court, and for the court to grant review, and the time for filing a notice of appeal, as well as any other act relating to commencing, pursuing, or deciding any proceeding in any reviewing court.

Rule B recognizes the disruption of normal business, communication and transportation caused by the earthquake, and on a clear showing of disruption of affairs in a specific case, allows the time for filing a notice of appeal to be extended by up to 14 days beyond the extension effected by rule A. The rule sets forth the procedure for applying for this leave.

Trial court rules and standards

Juror voir dire technical amendments (rule 228 and Standards of Judicial Administration section 8.5)
The council amended rule 228, and section 8.5 of the Standards of Judicial Administration, to correct references to various code sections.

Two-year discretionary dismissal (rule 372)
The council adopted rule 372 to permit discretionary dismissal for delay in prosecution if an action is not brought to trial or conditionally settled within two years. The purpose of the rule is to reduce unnecessary delay in the resolution of litigation and to improve the administration of justice. The rule, adopted under the authority of Code of Civil Procedure sections 583.410(b) and 583.420(a)(2)(B), provides that the same motion procedures and factors that are used under rule 373 (three-year discretionary dismissal) are to be used under the new rule.

Justice court workload measurement and salary of part-time justice court judges (rules 750 and 751)
The council amended rule 750, concerning the method of measuring the workload of justice courts, to reflect a change in applicable statute section numbers, and adopted rule 751 on the computation of the salary of a part-time justice court judge.

Commission on Judicial Performance public hearings (rules 907.1 and 907.2)
The council adopted new rules providing for public hearings before the Commission on Judicial Performance. The new rules provide for an orderly procedure under which a judge may request an open hearing (rule 907.1) or the commission may determine whether the nature of the charges against the judge and the prospect of opening the hearing meet the applicable constitutional criteria (rule 907.2).

Technical amendments to Commission on Judicial Performance rules (rules 904.4, 912, 913, and 918)
The council adopted a series of technical amendments to the rules of the Commission on Judicial Performance. The amendments relate to the deletion of a certified or registered mail requirement for staff inquiries initiated by the commission (rule 904.4), imposition of a requirement that transcripts be prepared in all formal proceedings (rule 918), and changes in the number of copies of objections to masters' reports (rules 912 and 913).

Electronic recording (rule 980.5 and 980.6)
The council adopted new rule 980.6 and revised rule 980.5 to provide for the use of electronic recording and to set specifications for the use of audio and video recording equipment.

Telephone appearance fee waiver (rule 985)
Rule 985 was amended to include the telephone appearance fee in the list of fees waived by an order granting leave to proceed in forma pauperis.

Juvenile court rules (rules 1400-1456, 1457, 1458, 1460-1465)
The council adopted new rules 1457 and 1458 to specify the procedure for using and filing the custody order and restraining order forms required by Statutes of 1989, chapter 137.

The council also repealed and adopted juvenile court rules 1400-1456 and 1460-1465 to make technical revisions.

Uniform delay reduction rules for volunteer trial courts (rules 1901-1915)
The council adopted uniform civil delay reduction rules for courts that want to establish a voluntary exemplary delay reduction program under the Trial Court Delay Reduction Act. The rules were adopted pursuant to Government Code section 68619(b). The rules may be used in courts operating a master, individual (direct), or hybrid calendar system.

Municipal and justice court case processing time standards (section 2.3)
The council adopted case-processing time standards, effective January 1, 1991, for the municipal and justice courts. The standards were adopted in five case categories: general civil, small claims, unlawful detainer, misdemeanor, and felony preliminary examinations. The standards are similar to those adopted for the superior courts (see section 2.1).

Change of venue in criminal cases (sections 4, 4.1, and 4.2)
The council adopted several new provisions concerning change of venue in criminal cases. The standards were based on recommendations for the Advisory Committee on Change of Venue. The new provisions are:

Section 4 was adopted to provide that the court should consider attempting to impanel a jury before ordering a change of venue and to provide that, following a change of venue, the court should determine whether it would be in the best interest of the administration of justice to move the jury rather than the pending action.

Section 4.1 states that, ordinarily, a case should be tried in the court receiving the case by a judge from the court in which the case originated.

Section 4.2 contains detailed guidelines for the reimbursement of costs incurred by receiving courts in change of venue cases. The guidelines are designed to prevent disputes that have occurred between the originating and receiving courts.

Appointment of counsel for children in family law proceedings (section 20.5)
The council adopted new section 20.5 of the Standards of Judicial Administration to encourage consideration of, and set forth guidelines for, appointment of counsel for children in certain family law proceedings.

Judicial education standard (section 25; rules 205 and 532.5)
The council adopted a standard regarding participation in judicial education activities that declares that "judicial education for all trial and appellate court judges is essential to enhancing the fair and efficient administration of justice." The standard declares that participation in judicial education should be considered "an official judicial duty."

The standard also provides guidelines as to the amount of time to be spent on judicial education, prescribes the objectives of judicial education, and encourages presiding judges to establish education plans for judges of their courts in order to facilitate the judges' participation as both students and faculty.

The amendments to rules 205 and 532.5 make references to section 25 in the list of duties of presiding judges of superior and municipal courts.

CHAPTER 18

SENTENCING PRACTICES ANNUAL REPORT

Between 1986 and 1989, felony drug law convictions nearly doubled in California. While crimes against persons remained almost constant throughout most of the state during this period, felony drug violation convictions increased from 71 percent to 140 percent. This rise in drug law convictions parallels reports of growing court congestion due to drug case prosecutions.

California Penal Code section 1170.6, enacted in 1976 as part of the determinate sentencing law, requires the Judicial Council to "continually study and review the statutory sentences and the operation of existing criminal penalties," and report its findings to the Governor and Legislature.

It also requires reports on pending legislation that may affect felony sentences. Those reports are sent to the Governor and Legislature during the legislative session by the Director of the Administrative Office of the Courts under authority delegated by the Judicial Council.

Felony Convictions

Table 1 compares the number of convictions for felonies between 1986 and 1988 with the projected number of felony convictions in 1989. For most crimes, the number of annual convictions remains almost constant. The major exception is drug law violations. Based on data available at publication of this report, 1989 will have recorded about 59,000 felony drug law convictions, a 25 percent increase over 1988. This follows a 19 percent increase in 1988 over 1987, and a 23 percent increase in 1987 over 1986.

The table below analyzes the increase by region within the state. Between 1986 and 1989, felony drug violation convictions increased throughout the state by as much as 140 percent. The largest increase appears in the relatively rural Central Valley and northeastern parts of California. The 99 percent increase in the Fourth Appellate District – the extreme south and southeastern part of the state, the only region with a substantial (20 percent) increase in crime against the person during 1986-89 – may partially reflect population growth.

Concern over burgeoning drug cases may account for the rate of prison commitments for drug law violations climbing from about 25 percent of convictions in 1984 and 1985 to 37 percent in 1988 and the first quarter of 1989.

Total Felony Convictions by Geographic Region and State Total, California

	Crimes Against Persons			*Drug Law Violations*		
	1986	*1989(A)*	*% Change*	*1986*	*1989(A)*	*% Change*
1st and 6th App. Dist. (San Francisco area and North Coast)	4,236	4,112	-3%	7,196	12,940	+80%
2nd App. Dist. (Los Angeles County and vicinity)	8,340	8,936	+7%	17,760	30,340	+71%
4th App. Dist. (San Diego, Orange, San Bernardino, Riverside Counties and vicinity)	3,141	3,772	+20%	4,411	8,768	+99%
3rd and 5th App. Dist. (Central Valley and northeast state)	3,231	3,284	+2%	2,894	6,936	+140%
State Total	**18,948**	**20,104**	**+6%**	**32,261**	**58,984**	**+83%**

(A) 1989 projected on the basis of four times the March 1989 quarter. Possible influence of seasonality was examined by comparing the March quarter alone for the current and prior years; the percentages of change were not significantly different from those shown above.

Impact of the Law on Plea Practices

After the operative date of the determinate sentencing law, July 1, 1977, dispositions by trial began to decrease and guilty pleas to increase relative to total dispositions in superior courts. This trend toward a smaller percentage of felony dispositions by trial continued, and may have increased slightly, after the adoption in June 1982 of Proposition 8, which included significant new penalties for repeat offenders, among other provisions.

Eighty-eight percent of felony defendants pled guilty in 1988-89, and only six percent went to trial. As recently as 1982-83, only 79 percent pled guilty and 12 percent went to trial.

While it is impossible to verify that determinate sentencing or Proposition 8 caused the increase in guilty pleas and decrease in trials, the stability of the trial percentage during the years before these changes suggests that conclusion.

Whatever the cause, the shift to disposition by plea has important workload implications for the courts. Total felony case dispositions almost doubled between 1982-83 and 1988-89 (+85 percent), yet slightly fewer trials occurred in 1988-89 than in 1982-83. Had the percentage of trials remained constant, the trial workload would have required a substantial expansion of the courts.

Superior court time savings resulting from fewer trials are significantly offset by increased appellate workload as the determinate sentencing law becomes more complicated each year.

Criminal Case Dispositions in Superior Courts

Fiscal Year	Total Dispositions*	Pretrial: Total Pretrial	Pretrial: Guilty Pleas	Pretrial: Other Pretrial	Total Trials
1978-79	49,264	42,499	36,586	5,913	6,765
1979-80	51,281	44,924	38,690	6,234	6,357
1980-81	58,314	51,826	45,082	6,744	6,488
1981-82	60,998	53,860	47,664	6,196	7,138
1982-83	67,261	59,461	52,933	6,528	7,800
1983-84	66,535	59,825	54,217	5,608	6,710
1984-85	74,591	68,479	63,121	5,358	6,112
1985-86	88,212	81,993	76,341	5,652	6,219
1986-87	98,741	91,965	85,626	6,339	6,776
1987-88	111,077	103,523	96,865	6,658	7,554
1988-89	124,271	116,574	109,328	7,246	7,697

Percent

Fiscal Year	Total Dispositions*	Pretrial: Total Pretrial	Pretrial: Guilty Pleas	Pretrial: Other Pretrial	Total Trials
1978-79	100	86	74	12	14
1979-80	100	88	75	12	12
1980-81	100	89	77	12	11
1981-82	100	88	78	10	12
1982-83	100	88	79	10	12
1983-84	100	90	81	8	10
1984-85	100	92	85	7	8
1985-86	100	93	87	6	7
1986-87	100	93	87	6	7
1987-88	100	93	87	6	7
1988-89	100	94	88	6	6

* Includes cases resulting in acquittal or dismissal or misdemeanor conviction.

SOURCE: Table 3, Superior Court (old table 4-24) 1990 appendix table for annual report.

Dispositions and Length of Sentences

The Judicial Council has published sentencing data through March 1988 in the *Sentencing Practices Quarterly*. These publications include tables showing the type of disposition and length of prison sentences imposed upon conviction of commonly committed felonies. This information is summarized in Tables 1 and 2.

Table 1 shows that despite a gradual upward trend during the last decade, the rates of prison commitments for most major crimes have not changed significantly during the past few years. The state total for all felonies is 10 to 12 percent higher than it was in the late 1970s.

Table 2 showing the average determinate sentence imposed for selected major crimes also indicates little significant change during the past few years. However, changes in statutory penalties have caused long-term increases in sentences for voluntary manslaughter and rape.

Table 1

Prison Commitments per 100 Convictions, Selected Crimes, Six-Month Periods Ending December 1977 through June 1981 and June 1984 through December 1988, Quarters Ending March 1989 and June 1989, California

Time period	State total – all felonies	Crimes against persons: Homicide (1)	Forcible rape (2)	Robbery	Assault with a deadly weapon	Crimes against property: Burglary: First degree	Burglary: Second degree	Grand theft (3)	Auto	Forgery	Checks (NSF)	Receiving stolen property	Narcotics and drug laws: Narcotics: Possession	Narcotics: Possession for sale	Narcotics: Sale	All drug law violations
Quarter Ending																
June 30, 1989	44	92	94	78	45	71	50	36	47	41	31	40	34	41	39	36
March 31, 1989	45	93	95	77	49	70	49	34	50	38	30	44	35	43	39	37
Six Months Ending																
Dec. 31, 1988	45	93	92	78	46	72	52	37	50	42	24	42	35	42	37	37
June 30, 1988	47	92	95	79	50	71	54	36	52	42	29	43	34	45	39	37
Dec. 31, 1987	44	92	94	77	48	70	51	34	51	39	27	40	31	39	34	34
June 30, 1987	44	94	92	78	46	68	51	36	48	40	27	44	30	38	30	32
Dec. 31, 1986	44	93	96	74	46	70	49	33	50	41	33	42	30	38	27	31
June 30, 1986	42	93	96	76	44	67	48	33	50	38	28	41	26	34	23	26
Dec. 31, 1985	42	91	94	77	44	67	50	31	48	43	26	41	26	35	24	26
June 30, 1985	43	92	94	78	46	68	50	33	47	42	32	39	23	35	26	25
Dec. 31, 1984	42	88	95	76	44	65	48	34	48	39	30	38	24	35	29	25
June 30, 1984	41	86	96	74	40	62	47	31	45	44	28	33	21	37	27	23
June 30, 1981	37	83	83	68	33	55	38	27	33	36	24	30	26	32	27	21
Dec. 31, 1980	36	79	80	65	33	47	36	25	35	38	23	28	29	40	29	21
June 30, 1980	35	79	85	64	33	45	36	29	34	33	23	29	28	41	28	21
Dec. 31, 1979	34	83	75	63	32	44	35	30	30	33	24	22	25	41	29	22
June 30, 1979	34	81	71	62	29	41	33	28	29	35	21	26	28	43	35	23
Dec. 31, 1978	34	80	71	64	28	44	35	26	33	38	19	23	36	44	32	26
June 30, 1978	33	80	64	63	30	41	32	21	28	35	19	24	33	49	31	24
Dec. 31, 1977	29	72	63	59	28	37	29	20	23	31	26	22	24	40	26	20
Approximate Convictions																
In 1989	127,600	1,200	600	5,600	4,400	6,200	8,200	3,600	5,600	1,800	800	4,600	21,400	9,100	12,400	59,500
In 1988	106,400	1,300	500	5,100	3,900	6,300	7,100	2,900	4,400	1,800	800	3,700	16,800	7,500	9,400	47,300
In 1987	98,600	1,300	600	5,500	3,900	6,200	7,000	3,000	3,800	1,800	800	3,600	13,100	5,800	7,200	39,600
In 1986	91,000	1,300	600	5,700	4,100	6,300	7,000	3,000	3,500	1,900	800	3,700	9,100	4,400	5,800	32,300

(1): For six-month periods through 1981, includes only second degree murder and voluntary manslaughter. First degree murder data were not available and thus could not be tabulated. First degree murder (and death penalties) are included in the 1984 and subsequent data.

(2): A high percentage of rape cases formerly received "other" dispositions. Most of those involved incarceration, either as a mentally disordered sex offender or in a commitment to the Youth Authority. Probation was prohibited by Stats. 1979, ch. 944, Pen. Code, § 1203.065. Mentally disordered sex offender ("MDSO") commitments were prohibited for crimes committed after December 31, 1981 (Stats. 1981, ch. 928). Some MDSO commitments continue to come in on crimes committed before 1982.

(3): Amount over $200 through 1982, $400 thereafter or unspecified.

Table 2 **Average[1] Determinate Sentence Imposed, Selected Crimes, California**

Quarter ending	Average determinate sentence imposed – in years									
	Voluntary man-slaughter	Assault with a deadly weapon	Forcible rape (not in concert)	Robbery	Burglary		Grand theft[2]	Forgery	Receiving stolen property	Possession of narcotics
					First degree	Second degree				
June 30, 1989	8.4	3.8	16.6	5.0	4.6	2.2	2.2	2.2	2.1	1.8
March 31, 1989	8.4	3.9	16.4	5.1	4.8	2.1	2.3	2.1	2.1	1.8
Dec. 31, 1988	8.8	3.9	11.4	5.5	4.6	2.2	2.2	2.2	2.1	1.8
Sept. 30, 1988	8.3	3.9	19.2	5.5	4.5	2.3	2.3	2.3	2.1	1.8
June 30, 1988	8.2	3.9	14.6	5.5	4.6	2.3	2.3	2.3	2.3	1.8
March 31, 1988	8.1	3.9	18.1	5.1	4.4	2.3	2.2	2.2	2.2	1.8
Dec. 31, 1987	8.0	3.8	16.3	4.9	4.3	2.1	2.2	2.2	2.1	1.8
Sept. 30, 1987	8.7	4.1	14.5	5.2	4.3	2.2	2.2	2.2	2.1	1.8
June 30, 1987	8.5	3.8	12.7	5.1	4.4	2.1	2.2	2.2	2.2	1.8
March 31, 1987	8.7	3.9	15.1	5.4	4.3	2.2	2.2	2.1	2.1	1.8
Dec. 31, 1986	8.2	3.9	15.3	4.8	4.4	2.1	2.2	2.3	2.3	1.8
Sept. 30, 1986	7.9	3.9	16.2	5.0	4.4	2.2	2.1	2.3	2.2	1.8
June 30, 1986	8.7	3.9	15.5	5.4	4.1	2.2	2.4	2.2	2.1	1.8
March 31, 1986	8.2	3.7	14.8	5.1	4.1	2.3	2.3	2.2	2.1	1.8
Dec. 31, 1985	7.4	3.8	14.5	5.0	4.3	2.3	2.0	2.3	2.1	1.9
Sept. 30, 1985	8.2	3.8	16.0	5.1	4.3	2.5	2.4	2.3	2.2	1.9
June 30, 1985	7.2	3.8	15.5	4.9	4.4	2.5	2.2	2.2	2.1	1.7
March 31, 1985	7.0	3.9	13.5	5.1	4.2	2.3	2.2	2.3	2.2	1.7
Dec. 31, 1984	7.2	3.8	12.0	4.9	4.2	2.5	2.2	2.3	2.1	1.9
Sept. 30, 1984	6.9	4.0	14.0	5.1	4.4	2.5	2.3	2.2	2.1	2.1
June 30, 1984	6.2	3.8	15.3	4.8	4.3	2.5	2.3	2.4	2.2	2.0
March 31, 1984	5.6	3.8	13.4	4.8	4.2	2.4	2.3	2.3	2.2	2.0

1 Average — (arithmetic mean).
2 Grand theft — (over $200 through 1982, $400 thereafter or unspecified).

CHAPTER 19

SUMMARY OF 1989 LEGISLATION

During the 1989 session, legislation was introduced to implement Assembly Constitutional Amendment 12 establishing justice courts as courts of record January 1, 1990. These provisions were contained in Senate Bill No. 710 (Stirling).

Seven other measures sponsored by the Judicial Council were enacted, including Senate Bill No. 1350 (Lockyer), which streamlines the assignment of judges under the Chief Justice's constitutional authority, Senate Bill No. 1137 (Marks), providing more adequate funding for the small claims advisory programs, and Assembly Bill No. 1854 (Speier), extending the use of electronic recording to keep the verbatim record in superior courts.

Other measures enacted at the request of the Judicial Council included Senate Bill No. 4 (Presley), which made last minute cleanup amendments to the state funding legislation; Assembly Bill No. 9 (Harris), which restored provisions inadvertently chaptered out by 1988 legislation relative to jury fees for the voir dire panel; and Assembly Bill No. 157 (Isenberg), which in part specifies the circumstances under which judicial sanctions may be appealed.

In response to work done by the Attorney General's task force on child victims, a number of measures were enacted, including Senate Bill No. 218 (Petris), which will test various new procedures for protection of all parties in cases where allegations of child abuse occur. The Judicial Council was the co-sponsor of Senate Bill No. 218.

Below is a summary of significant measures enacted into law during 1989.

Omnibus Civil Procedure Bill
Assembly Bill No. 157, introduced by Assembly Member Isenberg, revises some 25 aspects of procedure, including enforcement of judgments, deposition review and approval, arbitration of attorney-client fee disputes, review of sanctions imposed by the trial court, service of summons, jury service protection, and peremptory juror challenges.

The bill permits courts to honor credit cards for filing and other miscellaneous court fees, deletes the teleconferencing fee, and requires peace officer witness fees be paid to the agency rather than the clerk of the court.

The bill was enacted as Chapter 1416.

Fax Service
Assembly Bill No. 677, introduced by Assembly Member Killea, authorizes the Judicial Council to conduct a pilot project in six courts to study service of court documents by electronic transmission.

The bill was enacted as Chapter 1100.

Records Management
Assembly Bill No. 796, introduced by Assembly Member Frazee, permits the destruction of many superior court civil case papers one year after the case is closed if notice is provided to certain museums and other entities, if no request to retain the file is made and the file is not designated as part of a statistical sample to be retained. The Judicial Council is to develop rules regarding retention of records as a representative sample of case records for use in research.

The bill was enacted as Chapter 1131.

Forfeiture Proceedings
Assembly Bill No. 1450, introduced by Assembly Member Katz, expands the scope of forfeitures to include aircraft, boats, vehicles used to facilitate drug violations, adding weapons, devices, ammunition, and alcoholic beverages, and providing for a special hearing to determine probable cause for seizure of an alcoholic beverage license.

The bill was enacted as Chapter 1195.

Transcripts
Assembly Bill No. 1854, introduced by Assembly Member Speier, directs the Judicial Council to select up to 75 superior court departments for a project on the use of audio or video recording to keep a verbatim record. It expressly authorizes municipal and justice courts to use electronic recording in felony cases when a reporter is unavailable.

The bill requires the Judicial Council to adopt standards for audio and video recording of judicial proceedings, and report to the Legislature by January 1, 1991.

The bill was enacted as Chapter 678.

Small Claims Judgment
Assembly Bill No. 2164, introduced by Assembly Member Pringle, allows a debtor to pay a small claims judgment to the clerk, who must enter satisfaction of judgment, deposit monies with the county treasurer, notify the creditor that judgment has been satisfied, and advise how to obtain the money.

Each board of supervisors must establish the local fee for this service.

The bill was enacted as an urgency measure effective September 29, 1989, Chapter 1028.

Continuous Sexual Abuse
Assembly Bill No. 2212, introduced by Assembly Member Speier, defines the felony offense of continuous sexual abuse of a child by a person who resides with or has recurring access to the child.

The offense is defined to include three or more acts of substantial sexual conduct or three or more acts of lewd and lascivious conduct with a child under 14 years over a period of at least three months.

The bill was enacted as Chapter 1402.

Motor Vehicle Arbitration
Senate Bill No. 167, introduced by Senator Lockyer, requires that civil actions involving a claim against a single defendant for money damages resulting from a motor vehicle collision in municipal courts that have adopted judicial arbitration be submitted to prompt judicial arbitration.

The bill authorizes local court rules providing for voluntary or mandatory use of case questionnaires.

The bill was enacted as Chapter 894.

Child Victim Witness
Senate Bill No. 218, introduced by Senator Petris, establishes demonstration programs relating to the treatment of children in legal proceedings.

The pilot programs must evaluate a streamlined investigation process, use of a family relations division in superior courts and child advocacy programs. A report on the project is due in 1994.

The pilot projects will test the recommendations by the California Child Victim Witness Judicial Advisory Committee.

The bill was enacted as Chapter 1220.

Justice Courts

Senate Bill No. 710, introduced by Senator Stirling, provides that all justice court judges must receive the same salary and retirement benefits as municipal court judges, subject to pro-rating in the event a judge serves on a part-time basis after January 1, 1990.

The bill was enacted as Chapter 1417.

Continuing Legal Education

Senate Bill No. 905, introduced by Senator Davis, directs the State Bar to request the Supreme Court to adopt a rule authorizing the bar to establish and administer mandatory continuing legal education. It exempts retired judges, officers, elected officials, full-time employees of the State, and full-time law professors.

The bill was enacted as Chapter 1425.

Small Claims Court Advisors

Senate Bill No. 1137, introduced by Senator Marks, makes a number of changes in the law relative to small claims courts: It requires the court to inquire of the parties facts sufficient to determine proper venue; to increase small claims filing fees; expand the obligation of counties to provide small claims advisor services to litigants; and requires the Judicial Council to make rules pertaining to advisor programs, including training standards for advisors as well as for temporary judges who hear small claims matters.

The bill was enacted as Chapter 1450.

Small Claims Hearings

Senate Bill No. 1143, introduced by Senator Stirling, requires that a small claims hearing date for a defendant residing within the county be set not more than 40 days and not less than 15 days from the date of the order. It also provides that hearing is to be continued when service is not completed 10 days prior to the hearing and the defendant has not appeared.

The bill was enacted as Chapter 1153.

Assigned Judges: Trial Court Funding

Senate Bill No. 1350, introduced by Senator Lockyer, establishes a centralized system within the Administrative Office of the Courts to administer payment of salaries and expenses to assigned judges. It also provides for full-time service and pay for justice court judges who agree to be available for assignment by the Chief Justice when not serving their home courts. And it simplifies the compensation of retired judges who serve on assignment so that the retirement allowance is not interrupted during the period of an assignment.

The bill also changes the amount of reimbursement to the home county and charge to the receiving county when a judge is assigned, providing for offset of these amounts against block grants.

The bill was enacted as Chapter 1389.

CHAPTER 20

TRIAL COURT COSTS AND REVENUE ESTIMATES

This chapter estimates California trial court costs and revenues for fiscal year 1989-90 and features assorted financing data concerning the state judicial system. Following a brief summary of the 1989-90 estimates and the affect of recently enacted trial court funding legislation on these estimates, 1988-90 estimating methodology and the cost and revenue tables are outlined below.

Summary of 1989-90 Estimates

Estimated trial court costs for 1989-90 totalled $1,154,857,000, an increase of 13.22 percent over the previous year's (1988-89) revised estimate of $1,020,001,000. The state's share of this amount is $530,900,000 or 45.9 percent of 1989-90 total trial court costs.

Apportionment of 1989-90 total trial court costs among judicial positions results in an annual "cost per judicial position" of $672,976 in superior court and $698,012 in municipal court. These trial court costs reflect county budgeted costs plus the direct state contribution to superior court judges salaries and superior and municipal court judges' retirement.

Trial court revenues for 1989-90 are estimated to be $1,093,040,846, an increase of 9.1 percent per year for counties and 12.5 percent per year for cities above the actual collections reported to the State Controller for 1987-88.

Brown-Presley Trial Court Funding Act

1989-90 is the first full fiscal year of trial court funding under Senate Bill No. 612 (Stats. 1988, ch. 945), the Brown-Presley Trial Court Funding Act. The 1989-90 state budget provides $432,200,000 to fund the program. To receive funds, each county and the county's trial courts must decide to participate.

All counties opted into the program for the 1989-90 fiscal year.

Components of the new funding are:

- Counties will receive quarterly block grants of $56,180 per judicial position ($224,720 annually). The 1989-90 state budget includes $378.6 million for these block grants.
- Counties will receive supplemental block grant amounts equal to municipal and justice court judges' salaries based on the existing formula of state participation in superior court judges salaries. The 1989-90 state budget contains $45.7 million for this purpose.
- Counties will receive supplemental block grant funds where new trial court judgeships created by 1987 legislation exceeded 10 positions (Los Angeles, San Diego, and Santa Clara) and for all new judgeships effective on or after January 1, 1990. The additional amount is based upon the actual annual county per judge appropriation and subsequently reduced 25 percent per year. Thereafter, the standard block grant amount is maintained. The state has budgeted $7.9 million in 1989-90 for this purpose.
- The state budget includes no funding for the Trial Court Improvement Fund for 1989-90.

The state budget also includes $98.7 million for 1989-90 state assistance to the trial courts for existing programs. This includes $65.1 million for the states share of superior court judges' salaries and $29.8 million for superior and municipal court judges' retirement. Finally, about $3.8 million is budgeted for existing court related local assistance programs such as payments to counties for costly homicide trials.

In summary, the total budgeted amount of state assistance to the trial courts for 1989-90 is estimated to total $530.9 million, comprising $98.7 million in existing programs and $432.2 million provided under the Brown-Presley Trial Court Funding Act.

The amount of state assistance increased from 11 percent of total trial court costs in 1987-88, the year before the Trial Court Funding Act, to an estimated 45.9 percent of total trial court costs in 1989-90, the first full year of funding since the act became effective.

1989-90 cost and revenue estimating procedures

Below is a description of the procedures followed in estimating 1989-90 trial court costs and revenues, a process that has remained essentially the same for the past eight years. Trial court cost and revenue calculations appear on tables Table-1 through Table-6 and a summary of frequently requested court financing data is presented on Table-7.

Definition of Trial Court Costs

The 1989-90 trial court cost estimates subscribe to the definition of "court operations" set forth in Government Code section 77003 and amplified in rule 810 of the California Rules of Court.

Trial court costs include costs designated in county budgets for superior, municipal and justice courts, the county clerk's office and bailiffing personnel.[1]

Countywide indirect costs attributable to court budget activities are calculated and applied. Indirect costs include county government functions, such as a personnel or purchasing office, which are attributed to the courts by local pro-rated estimates.

Estimating total trial court costs requires the inclusion of direct contributions by the state for superior court judges salaries and superior ai municipal court judges retirement. These costs are not included in county budgets. The estimates at the end of this chapter also report other categories of state assistance, including block grants, supplemental block grants, and reimbursement for specified local programs.

Not included as trial court costs are items excluded from the definition of court operations, such as courthouse construction and site acquisition, specified law library operations, grand jury and pretrial release expenses, district attorney and probation services and indigent criminal defense except for juvenile court dependency hearings.

Counties with populations under 350,000 population are exempt from some of the above exclusions. However, the estimates in this report do not distinguish between counties above or below 350,000.

The 1989-90 trial court cost estimates have excluded all private attorney services for indigent defense whenever identifiable in the budgets of the nine counties in the survey. This exclusion reduces 1989-90 trial court costs approximately $68.7 million.

1 For 1988-89 cost estimating purposes, bailiffing services were calculated on the basis of average compensation of one bailiff for each judicial position. Rule 810 was amended to remove this limitation.

Nine county cost survey

Local trial court cost estimates are based on a survey of current court costs in nine counties. In the past, eight counties were surveyed. However, this year San Diego was added to enhance the representativeness of the survey. The results of the survey are extrapolated into statewide totals.

The counties surveyed are Alameda, Fresno, Los Angeles, Orange, Sacramento, San Diego, San Mateo, Santa Clara, and Ventura. Current budgets (1988-89) from those counties were obtained and carefully reviewed along with supplemental data supplied by county budget, personnel, and auditor offices.

The superior courts in the nine survey counties have 604 authorized judicial positions comprising 66.8 percent of the total superior court judicial positions in the state for 1988-89.

Local 1988-89 costs in these nine counties for superior courts, including county clerks, bailiffs, and indirect costs, totaled $302.4 million. When extrapolated statewide and added to direct state assistance, this amount is 2.76 percent above the original 1988-89 estimate.

The effects of the 2.76 percent increase on the 1988-89 superior court estimates are set forth on Table-2: *Revised 1988-89 Summary of Total Estimated Trial Court Costs.*

There were 45 municipal courts in the nine survey counties with 504.5 authorized judicial positions comprising 68.7 percent of the total judicial positions in all municipal courts. The sum total of local 1988-89 municipal court expenditure estimates in these nine counties totaled $312.4 million. When this amount is extrapolated statewide and added to state assistance the result is within one percent of the 1988-89 cost projection. The revised amounts of the 1988-89 municipal court estimates are also set forth on Table-2.

1989-90 cost adjustment

The 1989-90 estimated trial court costs are presented on Table-1. Total 1989-90 trial court costs are 13.22 percent above the revised 1988-89 estimates on Table-2. The county share of direct trial court costs is 11.5 percent above the 1988-89 revised estimates. The 11.5 percent adjustment represents the average annual increase of trial court expenditures in the nine survey counties over a ten-year period, 1978-79 through 1987-88, as reported in the State Controller's *Report of Financial Transactions*. The state share of estimated trial court costs is from the 1989-90 Governor's Budget and Final Budget Summary and can be examined in more detail on Table-5.

Cost per judicial position

Trial court cost data is arranged so that total trial court costs are apportioned among total judicial positions for municipal and superior courts (see Table-1 to Table-4.) Total judicial positions includes judges, referees, and commissioners. Therefore, each judicial position represents an equal share of total trial court costs.

The cost per judicial position includes not only the salary and benefits for the judicial position itself but also a proportionate share of all costs of nonjudicial positions, services and supplies and countywide indirect costs attributable to the courts.

Finally, the cost of a bailiff and a court reporter position are added to the above to provide the total costs assignable to each judicial position.

The division of trial court costs into annual costs per judicial position allows for a further breakdown into costs per judicial case-related minute, hour and day as illustrated in Table-3 and Table-4. This is possible because of data accumulated by the Judicial Council weighted caseload studies, such as the minutes per year and days per year, that are available for case-related work for the average judicial position. Such detail is very useful when estimating the additional court costs that may be required by a legislative proposal that would add minutes or hours of time to a judicial proceeding or impose a new judicial duty.

Justice court costs are not presented in the same detail as superior and municipal courts because they account for only a small portion of the workload of the trial courts. Also, most justice court judges are part-time and a cost per judicial position would not be applicable. Therefore, justice court costs are presented as a lump sum amount, approximately equivalent to their share of the lower courts workload.

Cost components

Trial court cost data has been segregated into six cost categories: judicial salaries and benefits; nonjudicial salaries and benefits; services and supplies; indirect costs; and costs for court reporters and bailiffs. A brief description of these court cost components follows.

Judicial salaries and benefits

Judicial salaries are the annual statutory salaries for municipal and superior court judges as of the latest authorized adjustment. The state share of superior court judges salaries is included, currently ranging from $84,844 to $88,844 per year depending on the size of the county.

Salaries for court commissioners and referees are included in this cost category because these court officers are available to handle matters otherwise requiring an equivalent

number of judges. For estimating purposes, the salaries of court commissioners and referees are 25 percent below the salary of a judge in municipal courts and 15 percent below the salary of a judge in superior courts.

Health and retirement benefit rates are calculated to be 29.4 percent for superior court judges and 28.4 percent for municipal court judges.

Superior court judge benefits include approximately 5.7 percent of salary for health-related insurance, an employer retirement contribution rate of 8 percent, plus a pro rata share of the annual state budget appropriation to the retirement fund equivalent to an additional 15.7 percent of salary.

Municipal court judges benefits include about 4.7 percent of salary for health-related insurance and employer retirement contribution rates identical to superior court judges, i.e., 8 percent plus 15.7 percent of the pro rata share of the annual budget appropriation to the retirement fund.

Benefits for commissioners and referees are calculated on the same basis as for nonjudicial employees generally.

Nonjudicial salaries and benefits

Nonjudicial personnel includes all positions that provide support to the judicial function. For the superior court, this includes court-related positions in the county clerk's budget as well as those positions budgeted directly in the superior court. A partial list of support personnel includes court administrators, jury commissioners, secretaries, stenographers, courtroom clerks, calendar clerks, data processing and microfilming personnel, deputy clerks, clerk typists, accountants, cashiers and counter clerks.

The positions of court reporter and bailiff are costed separately to remain identifiable from other nonjudicial position costs. Costs of these positions are discussed below.

Benefits for trial court nonjudicial personnel are estimated to be approximately 25 percent, in keeping with the county employee benefit rates generally throughout the state.

Services and supplies

The "services and supplies" category of trial court expenditures includes traditional operating expenses, such as office supplies, printing, postage, telephone, and travel.

Other costs unique to court operations include jury expenses, expert witness fees and professional services of doctors. Within "services and supplies" most counties typically include direct charges for some central service costs, such as data processing, vehicle use, and sometimes building rent including costs for security and maintenance.

Other countywide central service costs are considered indirect costs and are discussed as a separate cost component below.

Also included within the cost component of services and supplies are expenditures for office equipment and furnishings. These costs are categorized as "fixed assets" in most county budgets and are identified separately from services and supplies. However, because these amounts are a minor part of total annual expenditures and tend to fluctuate from year to year, they are included costs within the larger category of services and supplies. As noted previously, however, major capital outlay expenditures for such purposes as courthouse construction and site acquisition are not included in trial court costs.

Indirect costs

This expenditure category allows for a share of centralized county services used by the courts to be included in the total operational costs of the courts.

Although counties direct charge some countywide central service costs, as noted above, often these costs are incorporated into a countywide cost allocation plan and charged to the courts as indirect costs.

The countywide central service plans, as applied to the courts, may include such costs as purchasing, stores, personnel, auditing, disbursements, payroll, budget preparation and execution, messenger service, grant coordination, office machine maintenance, communications, parking lot maintenance, records retention, liability and bonding insurance, and rent, security and maintenance of court facilities.

However, significant variations exist among counties in items considered indirect costs and items considered direct charges, which thus appear as budgeted expenditures.

The latest actual indirect annual costs charged to the courts, including the county clerk function and any other court related budget units, are obtained from the county auditor's of the nine survey counties.

The actual indirect cost amounts for all municipal and superior courts surveyed are totaled and extrapolated to a statewide total.

Court reporters

The annual cost of a court reporter in the superior courts is based on the average salaries and benefits of full-time reporters in the superior courts surveyed. Costs are based on a ratio of one full-time court reporter for each judicial position in the superior court.

An equivalent annual salary was computed for municipal courts. Studies conducted by the Judicial Council indicate that court reporters were involved in approximately 40 percent of the daily activities of municipal courts.

The benefit rate for court reporters was calculated the same as other nonjudicial employees.

Bailiffs

Bailiffing costs, in this report, are computed on a ratio of one bailiff for each judicial position for both municipal and superior courts. Coverage for vacations, illnesses and other time off, however, may justify an increase in the ratio and staff is studying this possibility. The approved

costs for court operations as itemized in California Rules of Court rule 810 allows sheriffs, marshals, and constables as the court deems necessary with designated limitations.

Average salaries and benefits for bailiffs were based on telephone inquiries to survey counties.

State judicial budget

Table-5 is a summary of the various program categories that comprise the state judicial budget as included in the *Governor's Annual Budget*. Those categories are grouped into state operations and local assistance.

State judicial operations include the Supreme Court, Courts of Appeal, Judicial Council and the Commission on Judicial Performance.

Local assistance comprises the state's total contribution to trial court funding. This includes trial court funding block grants, and supplemental municipal and justice court judges salary grants in option counties.

State funds for the major portion of superior court judges salaries and contributions to the judges' retirement fund are also included as well as funding for specified local programs.

The local assistance amounts are included within the total estimated trial court costs for 1989-90 as presented on Table-1.

Trial court revenues

Table-6 contains 1989-90 estimates of trial court revenues. The estimates are based on 1987-88 actual amounts. The 1987-88 "actuals" are from two sources. The revenue to counties and cities is from the State Controller's *Annual Report of Financial Transactions*. Revenues to the state are from the *Governor's Budget* as reported in various penalty assessment funds and the Judges' Retirement Fund. A minor amount in fines is received by the state as miscellaneous revenue and an estimate is included for this item.

The 1988-89 and 1989-90 projections for trial court revenues to cities and counties are based on the average rate of increase in court revenues realized in the three preceding years, i.e., 1985-86, 1986-87, and 1987-88.

The average annual increase projected for counties is 9.1 percent and for cities the average annual projected increase is 12.5 percent.

The revenue amounts distributed to the state for 1989-90 are from the Governor's Budget with the miscellaneous revenue from court fines estimated independently.

Court Financing Summary

The Court Financing Summary includes total California court costs including state judicial operations, state assistance to trial courts, and local trial court costs.

Also presented are calculations of court costs as a percent of budget expenditures for various levels of government.

Other portions summarize trial court costs by level of court and the degree of state and local funding for each level of court; trial court costs apportioned to each judgeship in superior and municipal courts and the state and county shares for each additional position; and trial court revenues by type and amounts distributed to counties, cities and state.

Table 1

Summary of Total Estimated Trial Court Costs[a] *1989-90*

Courts	*Estimated average annual cost per judicial position*	*Judicial positions*	*Estimated total trial court costs*
Superior Courts			
Judicial Position ($94,344 + 29.4%)	$122,081		
Nonjudicial Personnel	227,515		
Services and Supplies	166,123		
Subtotal	$515,719		
Indirect Costs	56,377		
Total Costs Excluding Court Reporter and Bailiff	$572,096		
Total Costs Including Court Reporter and Bailiff	$672,976	903.5 (789 judges)	$ 608,034,000
Municipal Courts			
Judicial Position ($86,157 + 28.4%)	$110,626		
Nonjudicial Personnel	276,254		
Services and Supplies	166,725		
Subtotal	$553,605		
Indirect Costs	75,115		
Total Costs Excluding Court Reporter and Bailiff	$628,720		
Total Costs Including Court Reporter and Bailiff	$698,012	749 (614 judges)	$ 522,811,000
Justice Courts		57 part-time (34.4 FTE)	$ 24,012,000
Total All Trial Courts			$1,154,857,000[b]

a 1989-90 total trial court costs are 13.22% above the revised 1988-89 total. County direct costs were adjusted 11.5% for 1989-90. State costs are based on the 1989-90 *Governor's Budget* and subsequent legislative action. Judges salaries are included at the January 1, 1990 level.

b Included in this amount is the state's contribution to the trial courts of $530.9 million. See Table 5 for detail of state's share of costs.

Table 2

Summary of Total Estimated Trial Court Costs[a] *Revised 1988-89*

Courts	*Estimated average annual cost per judicial position*	*Judicial positions*	*Estimated total trial court costs*
Superior Courts			
Judicial Position ($84,765 + 27.6%)	$108,160		
Nonjudicial Personnel	199,608		
Services and Supplies	146,247		
Subtotal	$454,015		
Indirect Costs	31,982		
Total Costs Excluding Court Reporter and Bailiff	$485,997		
Total Costs Including Court Reporter and Bailiff	$582,986	903.5 (789 judges)	$ 526,728,000
Municipal Courts			
Judicial Position ($77,409 + 28.0%)	$ 99,084		
Nonjudicial Personnel	246,741		
Services and Supplies	149,032		
Subtotal	$494,857		
Indirect Costs	70,757		
Total Costs Excluding Court Reporter and Bailiff	$565,614		
Total Costs Including Court Reporter and Bailiff	$633,050	734 (601 judges)	$ 464,659,000
Justice Courts		67 part-time	$ 28,614,000
Total All Trial Courts			$1,020,001,000[b]

a Revised 1988-89 total trial court estimates were increased 1.36% based on final 1988-89 county budgets and other updated supplemental state and county data.

b Included in this amount is the state's contribution to the trial courts.

Table 3

Superior Courts' Total Estimated Costs Per Judicial Position 1989-90

Cost Category	*Estimated average annual cost per judicial position*	*Average cost per case-related minute*[a]	*Average cost per case-related hour*[a]	*Average cost per case-related day*[a]
Judicial Position (1-1-90 $94,344 + 29.4%)	$122,081	$ 1.6205	$ 97.23	$ 557
Nonjudicial Personnel	$227,515	$ 3.0200	$181.20	$1,039
Services & Supplies	$166,123	$ 2.2051	$132.31	$ 759
Subtotal	$515,719	$ 6.8456	$410.74	$2,355
Indirect Costs	$ 56,377	$ 0.7483	$ 44.90	$ 257
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff excluded)	$572,096	$ 7.5939	$455.64	$2,612
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff included)	$672,976	$ 8.9330	$535.98	$3,073

a An estimated 219 days per year or 75,336 minutes per year is available for case-related activity for each judicial position in the superior courts.

Table 4

Municipal Courts' Total Estimated Costs Per Judicial Position 1989-90

Cost Category	*Estimated average annual cost per judicial position*	*Average cost per case-related minute*[a]	*Average cost per case-related hour*[a]	*Average cost per case-related day*[a]
Judicial Position (1-1-90 $86,157 + 28.4%)	$110,626	$ 1.7394	$104.36	$ 507
Nonjudicial Personnel	$276,254	$ 4.3436	260.62	$1,267
Services & Supplies	$166,725	$ 2.6215	$157.29	$ 765
Subtotal	$553,605	$ 8.7045	$522.27	$2,539
Indirect Costs	$ 75,115	$ 1.1811	$ 70.87	$ 345
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff excluded)	$628,720	$ 9.8856	$593.14	$2,884
Total Cost Apportioned to Each Judicial Position (court reporter and bailiff included)	$698,012	$10.9750	$658.50	$3,202

a An estimated 218 days per year or 63,600 minutes per year is is available for case-related activity for each judicial position in the municipal courts.

Table 5

State Judicial Budget (Million $) 1989-90

Supreme Court	$14.3
Courts of Appeal	84.4
Judicial Council	25.5
Commission on Judicial Performance	1.2
Judges' Retirement Fund (Appellate Courts)	1.6
Total State Judicial Operations	$127.0
Trial Court Funding Block Grants	$378.6
Supplemental Block Grants for New Judgeships	7.9
Supplemental Municipal Court Judges' Salary Grants	42.5
Supplemental Justice Court Judges' Salary Grants	3.2
Trial Court Improvement Fund	0.0
Superior Court Judges' Salary	65.1
Judges' Retirement Fund	
Superior Courts, estimated $17.5	
Municipal Courts, estimated 12.3	29.8
Other Local Assistance	3.8
Total Local Assistance	530.9[a]
Total 1989-90 State Judicial Budget	$657.9 (million)

a These items totaling $530.9 million are the state's contribution to the funding of the trial courts. This amount is included within the total estimated trial court costs for 1989-90. See Table 1.

Table 6

Trial Court Revenues
Actual 1987-88
Estimated 1989-90[a]

	1987-88 Actual	*1988-90 Estimated*
To Counties[b]		
Fines, Forfeitures, Penalties		
Vehicle Code Fines	$149,864,899	$178,348,643[c]
Other Court Fines	92,627,931	110,233,055
Forfeitures and Penalties	69,712,008	82,961,668
Charges for Current Services		
Civil Process Services	19,171,153	22,814,876
Court Fees and Costs	151,896,274	180,766,107
Total	$483,272,265	$575,124,349
To Cities[b]		
Fines and Penalties		
Vehicle Code Fines	$174,545,755	$220,830,933[d]
Other Fines, Forfeitures & Penalties	86,648,535	109,625,564
Total	$261,194,290	$330,456,497
To State of California[e]		
Assessments on Fines	$139,756,000	$180,860,000[f]
Court Fees (Judges Retirement Fund)	3,675,000	3,600,000
Court Fines (estimates of state share of specified violations of Bus. & Prof. Code and Health & Safety Code)	3,000,000	3,000,000
Total	$146,431,000	$187,460,000
Summary		
To Counties	$483,272,265	$575,124,349
To Cities	261,194,290	330,456,497
To State	146,431,000	187,460,000
Total	$890,897,555	$1,093,040,846

a Revenue to counties has been adjusted 9.1% per year for 1988-89 and 1989-90. This is based on the average annual increase of trial court revenues to the counties for the three preceding years. Revenue to cities has been adjusted 12.5% per year for 1988-89 and 1989-90 based on the average annual increase of trial court revenues to cities for the three preceding years. Revenue to the state is from the 1989-90 *Governor's Budget* except for court fines which have been estimated independently.

b Source: *State Controller's Reports — Financial Transactions Concerning Counties and Cities.* (Adjustment made to reflect San Francisco County under "Counties" instead of "Cities.")

c 50% Vehicle Code Fines restricted as to use per Vehicle Code § 42201.

d 50% Vehicle Code Fines restricted as to use per Vehicle Code § 42200.

e *Governor's Budget* and Judicial Council estimates.

f Fine assessments are designated by statute for specific purposes. The 1987-88 and 1989-90 distribution and amounts from the Governor's 1989-90 budget are as follows:

	1987-88	*1989-90*
Peace Officers Training Fund	$ 35,924,000	$ 40,032,000
Driver Training Penalty Assessment Fund	38,488,000	42,888,000
Fish and Game Preservation Fund	492,000	548,000
Restitution (Indemnity) Fund	59,105,000	68,459,000
Corrections and Probation Training Fund	11,807,000	13,157,000
Local Public Prosecutors and Public Defender Training Fund	850,000	850,000
Victim/Witness Assistance Fund	12,946,000	14,426,000
Traumatic Brain Injury Fund	0	500,000
	$139,612,000	$180,860,000

Table 7

Court Financing Summary 1989-90

Total Court Costs by Funding Source (State and Local)		
State Judicial Operations[a]	$ 127.0 million	9.9%
State Assistance to Trial Courts[b]	530.9	41.4
Total State Costs	$ 657.9	51.3%
County Costs (Trial Courts)	624.0	48.7
Total Court Costs (est.)	$1,281.9 million	100.0%
Total Court Costs as Percent of Total Budget Expenditures		
Total Court Costs Funded by State as Percent of Total State General Budget[c]		1.4%
Total Court Costs as Percent of Total State General Budget[d]		2.8%
Total Court Costs as Percent of Total Estimated State and Local Budget Expenditures[e]		1.6%
Trial Court Costs by Level of Court		
Superior Courts	$ 608.0 million	52.7%
Municipal Courts	522.9	45.3
Justice Courts	24.0	2.0
Total Trial Court Costs (est.)	$1,154.9 million	100.0%
Trial Court Costs by Funding Source (State and Local)		
Superior Courts		
County Costs	$ 313.8 million	51.6%
State Assistance[f]	294.2	48.4
Total Superior Court Costs (est.)	$ 608.0 million	100.0%
Municipal Courts		
County Costs	$ 299.7 million	57.3%
State Assistance[g]	223.2	42.7
Total Municipal Court Costs (est.)	$ 522.9 million	100.0%
Justice Courts		
County Costs	$ 10.6 million	44.2%
State Assistance[h]	13.4	55.8
Total Justice Court Costs (est.)	$ 24.0 million	100.0%
Total All Trial Courts		
County Costs	$ 624.0 million	54.0%
State Assistance	530.9	46.0%
Total Trial Court Costs (est.)	$1,154.9 million	100.0%

Table 7
(Continued)

Court Financing Summary

Average Costs Per Superior Court Judgeship	
County Costs	$331,372
State Assistance[1]	341,604
Cost Per Judgeship (est.)	$672,976
Average Costs Per Municipal Court Judgeship	
County Costs	$376,161
State Assistance[1]	321,851
Cost Per Judgeship (est.)	$698,012
Trial Court Revenue By Type	
Fines, Forfeitures and Penalties	$ 708.6 million
Assessments on Fines	180.9
Civil Filing Fees and Costs	180.8
Civil Process Services	22.8
Total Revenue (est.)	$1,093.1 million
Distribution of Trial Court Revenue	
To Counties	$ 575.1 million
To Cities	330.5
To State	187.5
Total Revenue (est.)	$1,093.1 million

Table 7
(Continued)

Court Financing Summary

---

a State judicial operations include the Supreme Court, Courts of Appeal, Judicial Council, and Commission on Judicial Performance.

b State assistance to the trial courts includes trial court funding block grants @ $56,180 per quarter per judicial position; supplemental salary grants for the major portion of municipal and justice court judges' salaries, a trial court management fund, a major portion of superior court judges' salaries, contributions to the Judges' Retirement Fund, and local assistance for certain designated programs.

c State's share of total court costs is $657.9 million. State general budget is $46.1 billion. Thus, $657.9 million/$46.1 billion = 1.4%.

d Total court expenditures are $1.282 billion. State general budget is $46.1 billion. Thus, $1.282 billion/$46.1 billion = 2.8%.

e The Controller's Office reports the following local government expenditures:

1987-88 county expenditures exclusive of enterprise and bond funds	$ 18.500 billion
1987-88 city expenditures exclusive of enterprise and bond funds	$ 12.440
1987-88 special district expenditures non-enterprise activities only	$ 3.295
1987-88 school district expenditures	$ 22.151
Total local expenditures	$ 56.386 billion
Application of 8.2% per year average increase for 88-89 and 89-90	$ 66.037 billion
Add state budget less local assistance	13.700
Total state and local expenditures	$ 79.737 billion
Thus, $1.282 billion/$79.7368 billion =	1.6%

f State assistance to superior courts includes:

(1) Trial court funding block grants	$207.8 million
(2) Trial court improvement fund	0.0
(3) Contribution to superior court judges' salary	65.1
(4) Judges' Retirement Fund (8% of salary plus additional appropriation to meet liabilities)	17.5
(5) Other local programs	3.8
Total	$294.2 million

g State assistance to municipal courts includes:

(1) Trial court funding block grants	$168.4 million
(2) Supplemental grants for major portion of municipal court judges' salary	42.5
(3) Trial court improvement fund	0.0
(4) Judges' Retirement Fund (8% of salary plus additional appropriation to meet liabilities)	12.3
Total	$223.2 million

h State assistance to justice courts includes trial court funding block grants and supplemental salary grants totaling $13.4 million.

i The calculation of 1989-90 state assistance for each superior court judgeship is as follows:
(1) Trial court funding block grant for option counties @ $56,180 per quarter or $224,720 for the year per judgeship.
(2) State pays salary except for fixed county share of $9,500 for counties over 250,000 population; $7,500 for counties between 40,001 - 249,999 population; and $5,500 for counties 40,000 population or under. The calculation here is based on the larger-sized county. Thus, the current annual salary of $94,344 less $9,500 = $84,844 as the state share.
(3) 8% of salary to Judges' Retirement Fund ($94,344 @ 8% = $7,548) plus a pro rata share of the budget act appropriation made each year to meet liabilities of the fund ($14,869) plus 5.7% of salary for health and welfare ($5,378) for a total of $27,795.
(4) Pro rata share of other local programs @ $4,245. The total amount of state assistance per superior court judgeship as calculated here for 1989-90 fiscal year totals $341,604.

j The calculation of 1989-90 state assistance for each municipal court judgeship is as follows:
(1) Trial court funding block grant for option counties @ $56,180 per quarter or $224,720 for the year.
(2) Supplemental grants for municipal court judges' salary based on the same salary contribution formula as for superior court judges. Thus, for a larger-sized county (over 250,000 population) the supplemental grant would be $86,157 less $9,500 or $76,657.
(3) 8% of salary to Judges' Retirement Fund ($86,157 @ 8% = $6,893) plus a pro rata share of the budget act appropriation made each year to meet liabilities of the fund ($13,581) for a total of $20,474.
The amount of state assistance per municipal court judgeship as calculated here for 1989-90 fiscal year totals $321,851.

1990·ANNUAL·REPORT

VOLUME II: Annual Report of the Administrative Office of the California Courts

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JUDICIAL·COUNCIL OF·CALIFORNIA

1990·ANNUAL·REPORT

A Summary of Activities During Fiscal Year 1988-89

JUDICIAL·COUNCIL OF·CALIFORNIA

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MESSAGE FROM THE DIRECTOR

Judicial Council priorities guided the activities of the Administrative Office of the Courts (AOC) during 1989, and as the council's chief priority, delay reduction remained our primary focus.

Thanks to effective judicial management and the earnest support of AOC staff, the pace of civil litigation improved significantly during 1989 in most pilot superior courts operating civil delay reduction programs under the Trial Court Delay Reduction Act of 1986.

Court data collected by the AOC to monitor caseloads and disposition times for all superior courts indicate that pilot courts are achieving improved case processing times, and an AOC survey of the pilot courts shows that judicial commitment to this program is the essential ingredient for success.

By year-end 1989, 10 courts had voluntarily established experimental programs, joining nine mandated pilot courts for a total of 19 superior courts now committed to delay reduction programs. To assist in the continued expansion of the program, the Judicial Council approved in 1989 uniform civil delay reduction rules effective January 1, 1990, for courts with voluntary delay reduction programs. And in December 1989, the AOC drafted statewide case processing time standards for the municipal and justice courts, which the Judicial Council approved. The standards will become effective on January 1, 1991.

Significant progress also was made in the area of trial court funding. Fiscal year 1989-90 was the first full year of state court funding under the Brown-Presley Trial Court Funding Act of 1987. Counties received $527 million from the state to support trial court operations and to reduce existing disparities among the courts caused by local funding. This expanded court funding was used to increase staffing and to develop or improve court automation systems.

In addition to improving calendar management, the AOC worked hard during the year to advance other council priorities: improving the operation of proceedings involving children and families, ensuring fairness and equal access to justice, developing a better system for predicting judgeship needs, studying local court rules and statewide rules of court, monitoring state funding of the trial courts, developing simplified distribution and accounting for fines, forfeitures, and penalty assessments, improving the operation of small claims and traffic court, developing statewide standards and guidelines for court facilities, and promoting public understanding of the judicial system.

Two major AOC efforts during the year involved gender bias and private judging. The AOC surveyed all California judges on gender bias issues and coordinated a successful series of public hearings on the subject throughout the state. Public hearings related to private judging also were conducted in 1989, followed by a report to the Judicial Council in early 1990.

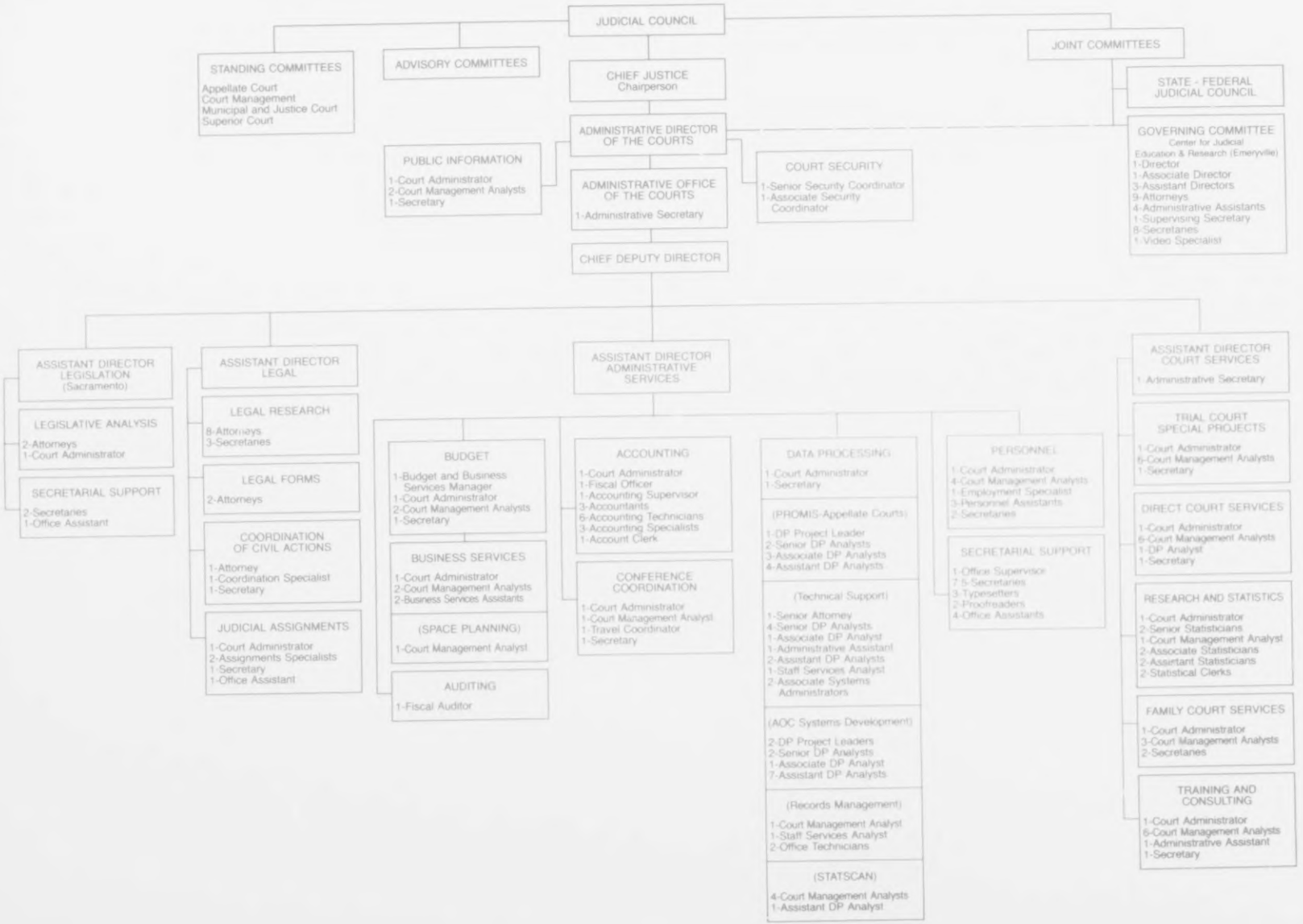
Other important areas of study for the AOC include a comprehensive revision of the juvenile court rules and new standards on the role and responsibilities of a juvenile court judge. The agency also drafted standards for the use of courtroom video as the official record of trial courts.

The AOC moved into a temporary new home during 1989 as a result of the earthquake that shook San Francisco on October 17th and damaged a large portion of the State Building. But the energy and optimism of the staff remains unshaken as they pursue the important mission of improving court performance. We are confident that 1990 will be another year of significant progress toward this goal.

Sincerely,

William E. Davis
Administrative Director
of the Courts

1989 JUDICIAL COUNCIL ORGANIZATION CHART



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CHAPTER 1

DIRECTOR'S REPORT

During 1989, reducing delay reduction in California's trial courts remained a primary focus of the Administrative Office of the Courts (AOC), the staff agency of the Judicial Council of California.

The AOC assisted the 19 superior courts operating mandated or voluntary delay reduction programs, and worked with municipal and justice courts to develop and establish delay reduction standards.

Other major AOC activities included:

- Coordinating public hearings on issues relating to "private judges," temporary judges, referees, arbitration and other methods for resolving civil cases, and on gender bias problems in the court system;
- Revising the juvenile court rules and developing new standards on the role and responsibilities of a juvenile court judge;
- Drafting guidelines for court-appointed special advocate (CASA) programs;
- Drafting standards for the use of courtroom video as the official record and standards and procedures on change of venue in criminal cases;
- Coordinating the annual Court Management Conference for presiding judges and administrators, the northern and southern regional Mid-Level Management Conference, and the Traffic Adjudication Workshop.

Profile of the AOC

The AOC carries out the official actions and policies of the Judicial Council, which has policy-making and rule-making authority for the state court system (Cal. Const., art. VI, sec. 6), under the supervision of the Administrative Director of the Courts, also provided for by the state Constitution.

This office was established by a Judicial Council resolution delegating authority to the Administrative Director of the Courts. The resolution was adopted in 1962 in accordance with an amendment to the Constitution, and in 1970 became part of the California Rules of Court (rules 990-992).

The AOC consists of various units, including legal, legislative, court services, research and statistics, and other functions, in addition to the Center for Judicial Education and Research (CJER), which directs a comprehensive education program for state judges. CJER is jointly sponsored by the Judicial Council and the California Judges Association.

A summary of the major functions and activities of these AOC units can be found on the following pages. The activities of the Assignments Unit and the Center for Judicial Education and Research are described in chapter 2 and chapter 4, respectively, of this volume.

Legal Unit

In 1989, the Legal Unit planned and coordinated three general business meetings of the Judicial Council as well as the regular meetings of the council's four standing committees.

To assist the council's various advisory committees, the legal section drafted: a comprehensive revision of the juvenile court rules; new standards on the role and responsibilities of a juvenile court judge; guidelines for court-appointed special advocate (CASA) programs; standards for the use of courtroom video as the official record; an information pamphlet for guardians of dependent children; standards and procedures on change of venue in criminal cases; new lower court case-processing time standards; guidelines for appointment of council for children in certain family law proceedings; and uniform rules for "volunteer" delay reduction superior courts.

The section also prepared for consideration by the council and its committees a report to the Legislature on establishing a source of funding to compensate court-appointed counsel for indigent minors; rules and guidelines governing public hearings before the Commission on Judicial Performance; a new statewide two-year discretionary dismissal rule for civil cases; revised felony sentencing forms; and a legislative proposal to expand the applicability of the summary dissolution statutes.

A number of new and revised court forms were drafted and presented to the council, including revised forms for emergency protective orders, support enforcement, small claims, probate, and unlawful detainer cases.

Major 1989 activities also included the planning and coordination of a judges' survey on gender bias issues and a series of public hearings held throughout the state to gather information and viewpoints on gender bias problems in the court system.

Working with the advisory committee on private judging, the legal staff coordinated public hearings on issues relating to "private" judges, temporary judges, referees, arbitration and other methods for resolving civil cases. The legal staff also assisted with implementation of an experimental project in Orange County on expediting appeals in juvenile matters, and researched and reported on proposed rule changes designed to reduce delay in the appellate process.

The legal section also provided staff support on certain matters under review by the State-Federal Judicial Council.

Finally, members of the legal staff performed various services in the role of legal counsel to AOC units. This included: assisting in drafting contracts for purchases, leases, and consultant services; reviewing a wide range of contracts; serving as liaison counsel to the Office of the Attorney General on several claims and lawsuits involving the judicial branch; and serving as legal consultants to a variety of Judicial Council project teams and committees.

Legislative Office

During 1989, the first year of a two-year session, the California Legislature introduced 1,047 measures affecting the courts. The AOC's Legislative Office in Sacramento closely followed these measures through each step of the legislative process.

The office screened the court-related proposals from a total of 4,701 measures that were introduced. At the end of the 1989 legislative year, 186 court-related measures had become law. A summary of each chaptered measure was published in the November special edition of the *AOC Newsletter*.

The legislative staff also completed its eighth annual court cost and revenue estimates for state trial courts, which are used to estimate the fiscal impact of court-related legislation.

In addition, judgeship needs studies were forwarded to legislative authors and to appropriate committees upon introduction of a bill or amendment adding judicial positions.

In September 1989, following the legislative recess, the Legislative Office moved to 801 "K" Street, Suite 1800, Sacramento, California 95814. The office's phone numbers did not change. The move was necessary due to additional space requirements of the Court of Appeal, Third District.

Court Services Division

The Court Services Division was formed to assist trial courts in state funding matters, delay reduction programs, trial management improvement, statistical reporting, research and development of technical improvements and data processing techniques. It also consults with courts in the areas of court management and family court services. Training projects are provided to assist trial court managers, staff, and judges to better manage their courts as well as training in the area of family court services. There are five sections within the Division of Court Services.

Trial Court Special Projects

In 1989, the Trial Court Special Projects staff continued to monitor and assist the trial courts in a variety of areas. Staff monitored and provided assistance in negotiating trial court funding agreements. Full-time justice court judgeships were established as were salaries of part-time justice court judges.

The Trial Court Improvement Fund was partially funded in fiscal year 1989-90 and the monies were used to purchase STATSCAN equipment in five counties.

In anticipation of full funding during fiscal year 1990-91, staff surveyed projects originally approved for funding and began the development of grant guidelines.

In addition, the pilot project comparing eight and 12-member civil jury panels was concluded. Data collection was completed at the end of June 1989 and project results were scheduled to be reported to the Legislature in early 1990.

Also in 1989, the Judicial Council authorized a total of 75 electronic recording departments distributed among 14 superior courts as part of a statewide demonstration project starting January 1, 1990. Staff began compiling an *Audio Recording Monitor's Manual* to assist the project courts, and continued to monitor the progress of several video arraignment projects. Several more counties also requested and received authorization to conduct video arraignment projects.

The Special Projects section is monitoring the work of consultants hired to provide technical assistance to the nine pilot superior courts with delay reduction programs; it is planning bench/bar delay reduction consortiums, and assisting the 11 non-pilot courts that voluntarily implemented delay reduction programs. Also, in working with municipal and justice courts, delay reduction standards were developed and established as a result of a case processing study.

Direct Court Services

This section is primarily involved in trial court automation and court profiles.

Trial Court Automation: STATSCAN Project

The AOC initiated the STATSCAN Pilot Project in 1985 to explore the utility of bar code, personal computer and telecommunication technology for purposes of collecting trial court workload data as an alternative to existing manual statistical data collection.

STATSCAN data collection and electronic transmission system prototypes were developed and installed in a sampling of superior, municipal, and justice court environments throughout the state. Project objectives were substantially shifted in 1987 to redirect STATSCAN resources to supporting electronic collection and transmission of data necessary for evaluating delay reduction efforts in Los Angeles, Sacramento, Orange, San Diego, and Contra Costa superior courts.

1989-90 priorities included: to support and improve STATSCAN system operation in designated delay reduction courts; to supply statistical reports to the National Center for State Courts based on data collected, and 3) continue to develop and test the STATSCAN system in the remaining pilot courts to the extent permitted by limited resources.

Court Profiles Project

The AOC initiated the Court Profiles Project to explore alternative approaches for measuring judicial resource needs and to prepare credible trial court operational assessments.

In 1988, staff worked with a special project committee appointed by the AOC director to develop a conceptual model for assessing judgeship need and profiling trial courts. In 1989, staff prepared a pilot project proposal and time line for testing and refining the conceptual model and presented it to the project committee.

After considering the staff proposal, the committee recommended that pilot project testing be deferred until a Judicial Council Advisory Committee is appointed to monitor further development of the project. Staff has prepared a report recommending the Chief Justice appoint a Judicial Council Advisory Committee to assist staff with the development of the Court Profiles reporting methodology and to explore broader issues impacting the creation of new judicial resources the council may address.

In 1990, staff will work with the new advisory committee, undertake pilot project testing, and prepare a report to the council for the fall of 1990 assessing progress toward project goals.

Research and Statistics

The Research and Statistics (R&S) section is responsible for the compilation, reporting, and analysis of data collected by state courts. The courts are required to report to the AOC information concerning filings, dispositions, trials, length of time to dispositions, and other data pertinent to their workload.

The R&S section maintains the trial court reporting regulations, which define the data to the reported, and

audits the collected data to insure accuracy. Staff meets routinely with court personnel to discuss data collection methodologies and reporting definitions. The unit also organizes work committees and conducts workshops to resolve questions and address new reporting issues.

During 1989, the R&S section provided information to the courts, reporters, researchers, the State Bar, and to the public. Publications produced by R&S include quarterly reports on the district appellate courts, the new Annual Data Reference, and sections of this Annual Report. In addition, the R&S section estimates judicial need throughout the state by performing standard judgeship needs studies for courts requesting new judicial positions. More than sixty of these studies were performed last year.

R&S also supports other AOC units by providing data and technical assistance for projects. Current areas of research involving the R&S section include projection of court workload, court profiles, and the analysis of seasonal trends.

Training and Consulting

During 1989, the Training and Consulting (T&C) section provided management consulting and training to California courts and staff support to Judicial Council Advisory Committees. The T&C section comprises three related components: training, consulting, and traffic coordination.

Training events coordinated during the year include the annual Court Management Conference for presiding judges and administrators, the northern and southern regional Mid-Level Management Conference, and the Traffic Adjudication Workshop. Vendors and court personnel heard presentations on current legislation, modern management techniques and actual testimonials from pilot courts, and attended exhibits fairs.

The consulting component provides assistance to the trial courts in the form of information and advice on modern court management techniques. Emphasis is placed on management consulting with statewide application.

1989 projects included:

- A consolidation study for Trinity Superior and Justice Courts and the County Clerk
- Statistical reporting and training for a new clerk in Alpine and Tehama Superior and Justice Courts
- A justice court consolidation study conducted in Madera County and a branch court study in Sacramento County.
- Presentation of general operational and consolidation recommendations to the Ukiah-Willits Justice Court District
- Studies for the Southeastern Justice Court District (Mt. Shasta, Dunsmuir, Weed) and the South Butte County Municipal Court regarding facility needs
- An extensive family law calendaring study for Santa Clara Superior Court
- A study and report addressing the merging of county clerk functions with the superior court in Sacramento County with general considerations for any jurisdiction in the state
- Assistance was provided to Alameda, Butte, Contra Costa, Fresno, Napa, Orange, San Luis Obispo, San Joaquin, and Ventura in the consideration of implementation of electronic audio or video applications.

Staff provides support services to the Advisory Committee on Court Facilities, with a comprehensive report of courthouse standards to be completed in 1990. Consulting services relating to courthouse security were also provided to one of the Los Angeles County district courts.

The traffic coordination unit provides liaison for the courts, AOC, Department of Motor Vehicles, Legislature, law enforcement agencies, and the public in issues affecting traffic courts. Projects for 1989 include revision of bail schedules, review of notice to appear forms, trial-by-mail, the Ventura automated traffic citation project and the annual conference.

Family Court Services

This office provides services statewide to all family mediation and conciliation courts as mandated by Civil Code sec. 5180-5183.

Among the highlights of 1989 were six widely-attended training conferences that provided more than 50 hours of training to court personnel: a statewide conference in San Diego held jointly with the Center for Judicial Education and Research Family Law Institute; regional conferences in Palm Springs and Sacramento; and three Intensive Trainings held in Newport Beach, Redding, and Rohnert Park.

The unit is developing two parent education video tapes and several training manuals on the subject of child custody mediation, evaluation, and parent education. The content of all training projects is coordinated with the Training and Education Committee.

The unit also launched an extensive collaborative effort to develop uniform standards for mediation as mandated by recent legislation. Four regional task forces are to be established and hearings on the standards are to be completed for Judicial Council review and approval by January 1, 1991.

In addition to conducting an ongoing Counselor Exchange Program and twice yearly directors meetings, other key projects completed in 1989 include publication of a newsletter and four publications. The unit also produces 11 other publications, including *A Statewide Salary Survey, California Family Law Desk Reference for Counselors and Mediators, A Statewide Directory,* and *Managing the Family Court Services Organization.*

The Research Grant Program during 1989 added two grants to the six already funded. The proposals recommended by the Family Court Services Advisory Committee and approved for funding by the Judicial Council were: *A Demonstration of an*

Intensive Therapeutic Mediation Program, Santa Cruz and *Protracted Disputes for Child Custody*, Santa Barbara.

Several projects were completed that set the groundwork for upcoming pilot projects in the area of uniform statistical reporting and program evaluation: reports on pretests in eight courts, updates on the comprehensive statewide database, surveys of current statistical reporting mechanisms, and the completion of a study detailing sample selection guidelines for research that is applicable statewide.

Administrative Services Division

Conference Coordination

This unit managed 15 meetings, educational workshops or conferences in 1989 ranging in size from 40 to 300 attendees. These included: a traffic adjudication workshop for traffic commissioners and juvenile traffic officers; two regional workshops and one statewide conference for family court judges, mediators, and support staff; two regional training conferences for trial court mid-level managers, plus a trial court conference for presiding judges and court administrators.

In addition, the unit made arrangements for seven public hearings and more than 80 small meetings, the majority for Judicial Council advisory committees.

In February, the annual Court Management Conference, attended by 200 judges and administrators, featured calendar management presentations and discussions, and included demonstrations of current projects in the California courts.

An especially successful program was held in April in conjunction with the National Judicial College. About 40 trial judges spent a concentrated week of classroom and work sessions refining their trial management techniques.

In July, mid-level managers in the courts were the focus of attention. Some 280 court supervisors attended the Southern regional workshop, and 300 attended the Northern regional workshop, each person able to choose a maximum of five courses a day ranging from stress reduction to calendar management.

Besides two separate delay reduction workshops in May and October, a workshop on statistical reporting was held for delay reduction courts.

Approximately 300 mediators and evaluators attended the March Family Court Services Statewide Conference, which included a joint session with judicial attendees of the Family Law and Procedure Institute. The October regional workshops attracted 130 people from the southern and 150 from the northern part of the state.

To reduce travel costs for meetings and conferences, a Travel Service was incorporated within the Conference Unit this year. Airline travel is arranged at state discounts for judges and employees of the appellate courts and the AOC, and for members of the Judicial Council committees.

Data Processing

This unit is responsible for automation systems for the California appellate courts and for the Administrative Office of the Courts. Following are summaries of the unit's four functional groups:

Appellate Court Systems Development Group
During 1989 significant strides were made to the automation of case management in the Supreme Court. The final phase of event tracking was completed so as to encompass the entire spectrum of case processing (from filing to final disposition), and all petition types were incorporated into the system, including state bar cases. The software was customized to accommodate legislative requirements regarding issuance of court opinions within 90 days of case submission. In the Courts of Appeal, statistical reporting requirements were rigorously re-evaluated, and new automated reports prepared, providing significant improvements in speed and accuracy.

AOC Systems Development Group
In 1989, the accounting system was enhanced to follow and pay grants and to record and monitor the selling of transit passes. The assigning of judges by the Assignments Unit was automated. A Legislative Analysis System was created for the Legal Unit and Legislative Office. It permits comments and proposed amendments to be created for any bill and to be reviewed by users in San Francisco and Sacramento.

A reporting and data-capture facility for habeas corpus cases was added to the Court Appointed Counsel system. A system to track information on juror voir dire was implemented.

Technical Support Group
In Fiscal Year 1989-90, system upgrades were provided for the First Appellate District, the First and Third Divisions of the Fourth Appellate District, and the Fifth Appellate District.

The AOC began electronic transmission to the official publisher of Supreme Court and Court of Appeal opinions designated for publication. Following the earthquake of October 17, 1989, seven minicomputer systems were installed for the Administrative Office of the Courts at its temporary location at 595 Market Street. Computer facilities and cabling systems were designed for Marathon Plaza, where the Supreme Court, the First Appellate District, and the AOC will be relocated in early 1991, and for the Ronald Reagan State Building in Los Angeles, where the Second Appellate District will be relocated in early 1991.

Records Management Group
During 1989, guidelines for managing inactive judicial and administrative source document and microfilmed records were developed. Over 40,000 unpublished opinions case files were microfilmed for the Reporter of Decisions not including various Appellate Court minutes and remittiturs. The section has been researching and evaluating new technologies for Records Management.

Fiscal and Business Services

This office provides administrative services in accounting, budget, business affairs and facilities management, and performs related studies as needed for the Supreme Court, the Courts Appeal, the AOC and the Commission on Judicial Performance.

Budget Office

In 1989, the Budget Office focused on refining previously implemented program budgeting mechanisms for AOC operations and expanded its analysis capabilities by adding staff. The office acted in a cooperative effort with the AOC Legislative Unit to implement mechanisms for improving the agency's assessment of the fiscal impact of pending legislation. In addition, the office began exploring various programs where efforts are needed to improve expenditure tracking, including the judiciary's appointed counsel programs.

Business Services

During 1989, this office improved its contracting and space planning capabilities with the addition of new staff. Significant effort was expended in completing the relocation of all three divisions of the Fourth Appellate District, the Fifth Appellate District, and the AOC Legislative Unit in Sacramento.

For the AOC in general, and the Business Services Office in particular, 1989 will long be remembered as the year of the October 17, 1989, Bay Area earthquake. With the quake came the condemnation of the San Francisco State Building. The Business Services Office was required to lead the effort to acquire alternative quarters for the Supreme Court and AOC as well as portions of the First Appellate District. Accomplishing that task required dedicated and tireless commitments of time and energy, and it could not have been accomplished without a much appreciated demonstration of teamwork, assistance and patience throughout the entire agency.

Personnel Unit

During 1989, this unit developed and implemented several new employee benefits. Employees of the Supreme Court, Courts of Appeal, Commission on Judicial Performance, and the AOC received additional benefits, including enhancement and expansion of the *Flex-Elect* and *Deferred Compensation* programs.

Preliminary work also was completed on the development of a catastrophic leave program, to be implemented in 1990, and recent legislation resulted in the implementation of a life insurance program for the judiciary.

In addition, a survey regarding mass transit use conducted for all judicial branch employees resulted in a discount transit pass program to encourage the use of public transportation. The program is administered by the Accounting Unit.

The Personnel Unit also was involved in the development of a new performance appraisal system for employees of the AOC. The unit is developing a comprehensive program to determine the training needs of Judicial branch employees.

Public Information Office

To increase the public's understanding of the judicial system, the Public Information Office (PIO) maintains active communications with state and local news media.

As the press office for both the Supreme Court and Judicial Council, PIO issues an average of 150 news releases a year to more than 250 media outlets; responds to hundreds of press inquiries; and coordinates press conferences and briefings for the Supreme Court and Judicial Council.

PIO also produces a series of publications for the courts and the public. During 1989, a series of articles on California's nine pilot delay reduction courts were published in the *AOC Newsletter*, a bi-monthly publication for state courts. In 1990, the series will focus on superior courts that voluntarily established delay reduction programs.

The *Judicial Council Annual Report to the Governor and the Legislature* continued to report on council activities and court statistics. Each year the content and format of the *Annual Report* are improved to better meet the needs of the California judiciary and Legislature.

In response to a 1988 survey showing many members of the judiciary would benefit from more current data, the Judicial Council in 1989 published current caseload data for all California courts several months ahead of the traditional publishing schedule of the *Annual Report*.

This court data, entitled *Annual Data Reference*, formerly appeared as the annual report "Appendix Tables." The *Annual Data Reference* compiles data for all state appellate and trial courts to meet the Judicial Council's constitutional requirement to monitor the workload of the courts. The publication contains information on filings, dispositions, criminal convictions, cases awaiting trial, and the number of judicial positions for each type of court.

The *Annual Data Reference*, *Annual Report* and *AOC Newsletter* are distributed to more than 3,000 judges, court and government officials, and others interested in court administration.

Also during 1989, the Public Information Office published a new brochure describing the Judicial Council and its functions and procedures.

AOC managers are kept informed of current events through a series of news clippings, which are distributed on a daily basis. An employee newsletter also is distributed bi-monthly to 150 AOC employees.

Other public education projects are under way to further inform the press and public of issues currently affecting state courts.

CHAPTER 2

UTILIZATION OF JUDICIAL RESOURCES

Judicial Assignments

During 1989, the Judicial Assignments Unit received more than 5,000 requests for assigned assistance from presiding judges and justices in California courts. As in previous years, the demand for assigned assistance in 1989 exceeded the number of available judges. More than 300 requests, involving time periods ranging from one week to two months or more, could not be filled.

As usual, the summer months were especially challenging for this unit. During July, nearly 300 assignments were arranged, but 50 requests could not be filled. During August, more than 300 assignments were arranged, but 48 requests could not be filled.

The Judicial Assignments Unit, under the direction of the Chief Justice, is responsible for providing judicial assistance on a daily basis to trial and appellate courts.

The unit provides assistance to presiding judges and justices for such reasons as vacancies, illnesses, disqualifications, and calendar congestion. Assignments also are made to provide assistance while new judges attend orientation classes, or to permit judges who have been elevated to complete matters they began in another court.

Both active and retired judges are called upon to provide assistance for periods ranging from one day to three months or longer. Many active judges volunteer to assist other courts in their own or neighboring counties when calendars permit.

Retired judges who retain their eligibility for assignment are a valuable source of judicial assistance, as are the many justice court judges who assist throughout the state.

Blanket and reciprocal assignments

The Judicial Assignments Unit also is responsible for several annual projects, such as the preparation of "blanket" and "reciprocal" assignments and superior court appellate department designations.

Blanket and reciprocal assignments provide the courts with more flexibility at the local level. Under a blanket assignment, the Chief Justice delegates authority to the presiding judges of two or more courts within the same county to assist each other's courts as needed. When the courts involved are located in different counties, delegations of authority are referred to as reciprocal assignments.

Each year, approximately 200 blanket assignments and 60 reciprocal assignments are issued and updated as needed during the year to reflect changes in the membership of the bench.

Appellate department membership

Pursuant to provisions of the Code of Civil Procedure, the Chief Justice is responsible for designating the members of the appellate department in each superior court throughout the state.

Each appellate department is composed of at least three judges —a presiding judge and two other members. The Chief Justice may, when necessary, designate a fourth judge to serve as a member. Six fiscal year and 52 calendar year appellate department designations were issued during 1989.

Coordination of Multicourt Civil Actions

During 1989, the Chairperson of the Judicial Council received 137 petitions for the coordination of civil actions, a continued increase since 1987. Altogether, the Chairperson received a total of 2,436 petitions between year-end 1989 and the inception of the coordination statute in 1974.

The 137 petitions received during 1989 may be characterized as follows:

Included actions

The 137 petitions included 538 individual actions. Of the 538 actions, 463 were pending in the superior courts, 74 were municipal court actions, and one was a justice court action.

Of the 137 petitions, 86 petitions involved only two pending actions; 24 petitions included three actions, and 26 petitions included more than three actions.

Subject matter

The 137 petitions involved the following subject areas:

Personal injury (auto 35; other 17)	52
Commercial	19
Real property	11
Construction	24
Public law	5
Fire	4
Family law	3
Insurance	5
Professional negligence	5
Employment	4
Other	5
TOTAL	137

Dispositions

Of the 137 petitions, 71 were granted, 28 were denied, 5 were withdrawn, and 2 were moot or dismissed; 31 petitions remained pending as of December 31, 1989.

Statistical history

The coordination statute has been in operation for 15 years. The number of petitions filed in each calendar year since the statute's January 1, 1974, effective date, are as follows:

Year	*No. of Petitions*
1974	67
1975	95
1976	118
1977	131
1978	183
1979	229
1980	290
1981	285
1982	270
1983	100
1984	89
1985	102
1986	111
1987	101
1988	128
1989	137

The sharp decline in petitions during 1983 was due to implementation of a simpler superior court procedure for actions pending in different courts of the same county.

Effective January 1, 1983, Code of Civil Procedure section 404 and rule 1520 were amended to permit any party to request transfer and consolidation of intra-county actions pending in different courts and sharing common questions of fact or law.

Transfer and consolidation is accomplished by noticed motion in the superior court. Accordingly, submission of a petition to the chairperson is no longer necessary in these actions.

Since the 1983 decline in petitions resulting from this statutory change, the rate of petitions has remained relatively stable except for increases in 1988 and 1989.

Increased complexity of proceedings

Changes in the number of included actions contained in petitions for coordination fluctuate depending on the complexity of the proceedings submitted.

In recent years, 1986 marks the high point in the number of actions contained in the petitions submitted. The number of actions began to climb again in 1989, probably because of receipt of a petition entitled "La Palma Homeowners Cases" (Jud. Co. No. 2415). The proceeding, initially containing 116 included actions, involves allegations of defects in homes due to corrosive elements in the soil.

The changes in the numbers of included actions since January 1, 1974, are reflected below:

Year	*No. of petitions*	*No. of included actions*
1974-1975*	162	515
1976	118	327
1977	131	284
1978	183	249
1979	229	676
1980	290	881
1981	285	825
1982	270	708
1983	100	329
1984	89	321
1985	102	358
1986	111	745
1987	101	498
1988	114	355
1989	137	538

* for a two-year period

Alternative court facilities

During 1988, trials in two of the more complex coordination proceedings began and continued into 1989.

In both proceedings, which are assigned to judges in Santa Clara and Contra Costa Counties, the large number of parties, counsel, and spectators expected to attend the trials required the courts to arrange for alternative facilities to accommodate the audience and participants.

In Santa Clara, Superior Court Judge Conrad Lee Rushing commenced trial in the "Technical Equities Cases" (Jud. Co. No. 1991) and "Technical Equities Cases II" (Jud. Co. No. 1992) in a temporary courtroom constructed in a local convention center. The proceedings involve fraud claims brought by corporate investors.

Rented space in the center was converted into a courtroom large enough to accommodate approximately 200 attorneys, documents relating to approximately 432 official included actions with more actions to be added-on, and computer technology necessary to the efficient management of the case.

The combined efforts of the court and the county worked effectively to prepare the courtroom in time for the announced March 31, 1988, trial date.

In Contra Costa, assigned coordination trial Judge Richard Patsy commenced trial in the "Sunvalley Air Crash Cases" (Jud. Co. No. 2026) on November 1, 1988. Although this proceeding did not require an additional facility to accommodate the attorneys, a viewing room was needed to allow the other participants and spectators to watch the trial via closed-circuit television.

The "Sunvalley Air Crash Cases" involves personal injury and property damage claims arising out of a plane crash at a shopping mall during the 1985 holiday season.

It is anticipated that an additional coordinated proceeding entitled "February 20, 1986 Flood Cases," (Jud. Co. No. 2104) may also require a specially constructed trial facility. Trial is anticipated in March of 1990. The proceeding involves claims for damages to homes allegedly due to a 1986 flood in Yuba and Sutter Counties.

The need for court facilities large enough to accomodate many parties and attorneys has steadily increased. The question of whether some of the courtrooms built for complex coordinated proceedings and other complex litigation that might be utilized on a regional basis is being studied by the Judicial Council's Advisory Committee on Court Facilities.

Coordination Procedures

Coordination of civil actions is a procedural device used to join separate actions for all purposes. The actions must be pending in different courts and must share common questions of fact or law. The purpose of coordination is to avoid multiple trials and inconsistent results and to promote the efficient use of judicial resources.

The coordination statute is contained in Code of Civil Procedure sections 404 through 404.8 and is accompanied by California Rules of Court, rules 1501 through 1550.

When a petition for coordination is received, the chairperson of the Judicial Council assigns a judge to determine whether the included actions should be joined according to standards specified in Code of Civil Procedure section 404.1.

If coordination is granted, the chairperson assigns a judge to hear and determine the actions as required by Code of Civil Procedure section 404.3(a) and rule 1540. In selecting a site for the coordination motion and trial assignments, the convenience of parties, witnesses, and counsel is balanced and the administrative needs of the courts are considered.

Administrative functions

As required by rule 1550, all necessary administrative functions in coordination proceedings are performed at the direction of the Chairperson of the Judicial Council by a coordination attorney in the Administrative Office of the Courts (AOC).

An official file for each coordination proceeding is maintained in the AOC. The file contains all documents required to be submitted to the Chairperson of the Judicial Council under rule 1511.

CHAPTER 3

OTHER OPERATIONS OF THE

ADMINISTRATIVE OFFICE OF THE COURTS

Criminal Change of Venue

In 1989, the Administrative Office of the Courts (AOC) provided administrative assistance to the trial courts in 10 criminal cases in which a change of venue motion was granted. All were felonies.

The AOC is mandated to provide assistance in change of venue motions by rules 840-844 of the California Rules of Court, which were adopted by the Judicial Council in 1972 in compliance with Penal Code section 1038.

> *Rule 842 provides:*
> When the court in which the action is pending determines that it should be transferred pursuant to section 1033 or 1034 of the Penal Code, it shall advise the Administrative Director of the Courts of the pending transfer. Upon being advised the Director shall, in order to expedite judicial business and equalize the work of the judges, suggest a court or courts that would not be unduly burdened by the trial of the case . . . .

In 1989, the Judicial Council, on the recommendation of its Advisory Committee on Change of Venue, adopted sections 4, 4.1, and 4.2 of the Standards of Judicial Administration and a Change of Venue Information Sheet to assist courts before and after a change of venue is granted in a criminal case.

Section 4(a) and an accompanying comment recommend that the court attempt to impanel a fair and impartial jury before ordering a change of venue, unless there is clear evidence of a reasonable likelihood that a fair and impartial trial cannot be had in the county.

Section 4(b) states that the court, after ordering a change of venue, should consider bringing in a jury from another county, under Penal Code section 1036.7, rather than transferring the case.

Because of the burden on receiving courts, the Judicial Council stated in rule 4.1 that change of venue cases should be tried by judges from the originating courts, unless the originating and receiving courts agree otherwise.

Section 4.2 provides detailed guidelines for reimbursement of costs in criminal cases that are transferred pursuant to an order for change of venue. Combined with the Change of Venue Information Sheet, it is designed to help avoid disputes between originating and receiving counties over costs resulting from a change of venue.

Judicial Redistricting

Consolidations of judicial districts continue to reshape California municipal and justice court districts.

Since 1975, consolidations have eliminated 126 judicial districts, reducing the total number to 153.

In addition, the elimination of 134 justice court districts has reduced the number of justice courts to 65.

In fiscal year 1988-89, no net change occurred in the number of municipal courts while the number of justice courts decreased by 11.

Procedures for Change of Venue

Selection of the court to which venue is changed ordinarily involves the following steps:

1. The motion to change venue is granted.
2. The judge who grants the motion advises the Administrative Office of the Courts (AOC) of the pending transfer. The judge also relates the circumstances of the case, explains the basis for the transfer, and suggests possible appropriate sites for the trial of the case.
3. The AOC contacts presiding judges of suitable courts, including any suggested by the judge who granted the motion, to determine a court or courts that would not be unduly burdened by the trial of the case. A discussion is conducted regarding the circumstances of the case, the trial's probable length, any special security problems, and any other factors which might appropriately be considered. The relative workload of the courts and the opinion of the presiding judge regarding the ability of the court to conduct the trial are also considered.
4. The judge who granted the motion is advised of one or more courts that would not be unduly burdened by the trial of the case.
5. The judge who granted the motion conducts a hearing as required by *McGown* v. *Superior Court* (1977) 75 Cal.App.3d 648, and determines the proper court for the trial of the case.
6. The AOC is notified of the choice and advises each of the courts previously contacted.

Although no statute or rule requires the AOC to assist the trial courts in civil cases when a change of venue motion is granted, assistance will be provided upon the request of the judge granting the motion or the presiding judge.

Consolidations, effective January 1, 1989

- The Westlake and Northlake Justice Court Districts in Lake County consolidated to become the Northlake Justice (Consolidated) Court District
- In Mendocino County, the Little Lake and Ukiah Justice Court Districts consolidated to become the Ukiah-Little Lake Justice Court District
- The Anderson, Burney and Central Valley Justice Court Districts consolidated with the Redding Municipal Court District to become the Shasta County Municipal Court District
- The Dunsmuir-Mt. Shasta, McCloud and Shasta Valley Justice Court Districts in Siskiyou County consolidated to become the Southeastern Justice Court District
- In Tuolomne County, the First, Second, Third and Fourth Justice Court Districts consolidated to become the Central Justice Court District.
- The Fifth Justice Court District became the West Justice Court District.
- On March 23, 1989, in Solano County, the Rio Vista Justice Court District consolidated with the Northern Solano Municipal Court District to become the Northern Solano Municipal (Consolidated) Court District.

The number of districts served by justice courts has decreased steadily since the lower court reorganization of 1953. This is due to redistricting by local boards of supervisors resulting in the consolidation of justice court districts into municipal courts, and to the creation of municipal courts as district populations increased to levels over the 40,000 constitutional limit for justice courts.

Table A shows the number of judicial districts as of June 30, 1989, and for each year since lower court reorganization took effect in 1953.

Justice Court Oral Examinations

During 1989, oral examining boards were appointed to interview candidates for the office of judge in the Ukiah-Little Lake Justice Court in Mendocino County, and the Eel River Justice Court in Humboldt County.

Judicial vacancies in justice courts may be filled by appointment by the board of supervisors or by special election, at the option of the board of supervisors of the county in which the vacancy occurs.[1] Only attorneys are eligible to be justice court judges.[2] When more than three qualified candidates seek appointment to a justice court judgeship, oral examinations are required.[3]

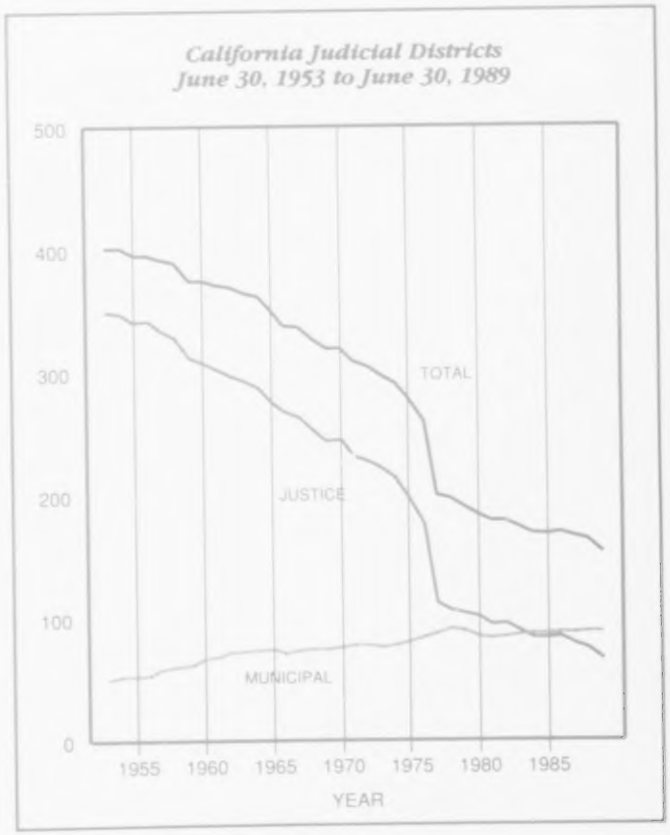
The Chairperson of the Judicial Council designates a superior court judge as chairperson of an oral examining board. The chairperson then appoints two residents of the county to serve as additional board members. The board interviews and ranks each candidate and certifies the names of the three highest ranked candidates to the board of supervisors.[4]

1 Gov. Code, § 71186.5.
2 Gov. Code, § 71601.
3 Gov. Code, § 71180.4.
4 Gov. Code, § 71601.5; Cal. Rules of Court, rules 765-770.

Table A

California Judicial Districts As of June 30, 1953 to June 30, 1989

Year	*Total judicial district*	*No. of justice courts*	*No. of municipal courts*
1953	400	349	51
1954	400	348	52
1955	395	342	53
1956	395	341	54
1957	393	335	58
1958	390	329	61
1959	374	312	62
1960	374	307	67
1961	371	302	69
1962	370	298	72
1963	365	293	72
1964	361	288	73
1965	349	276	73
1966	339	268	71
1967	336	263	73
1968	326	253	73
1969	319	245	74
1970	319	244	75
1971	309	232	77
1972	303	226	77
1973	297	221	76
1974	291	214	77
1975	279	199	80
1976	259	175	84
1977	200	111	89
1978	197	107	90
1979	191	102	89
1980	183	100	83
1981	178	94	84
1982	179	95	84
1983	174	89	85
1984	169	84	85
1985	168	83	85
1986	169	83	86
1987	166	79	87
1988	164	76	88
1989	153	65	88



CHAPTER 4

JUDICIAL EDUCATION

Ongoing training and education programs for state judges and commissioners and other court officials are provided by Center for Judicial Education and Research (CJER), the educational branch of the state judicial system funded by the Judicial Council of California, and by the the Training and Consulting Unit of the Administrative Office of the Courts (AOC). CJER is responsible for educational programs for judges and other judicial officers. The AOC is responsible for educational programs that serve court administrators and support personnel, as well as programs that provide administrative and management training to judges and other court personnel. Following is a summary of their 1989 activities.

Center for Judicial Education and Research (CJER)

CJER has conducted 230 educational programs for 16,692 members of the California judiciary since 1973.

These programs include: 17 annual two-week Judicial Colleges (2,240 participants), 94 three-day continuing education institutes (10,997 participants), 129 monthly one-week orientation programs for new judges (1,525 participants), and 21 semi-annual week-long Continuing Judicial Studies Programs for experienced judges (1,930 participants).

Annual attendance has risen from 435 judges and commissioners in the first year to some 1,734 in fiscal year 1988-89. At year-end 1989, California had more than 1,450 judges and 250 commissioners and referees.

CJER provides a comprehensive educational system for California judges, including continuing education programs for the judiciary, orientation programs for new judges, and judges' benchbooks and other educational materials.

CJER Profile

CJER is funded by the Judicial Council of California. It is directed by an eight-judge Governing Committee appointed by the Chief Justice of California. Four judges are nominees of the California Judges Association and four represent the Judicial Council, chaired by the Chief Justice.

The Governing Committee acts as the center's policy board (see 49 State Bar J. 437). Its policies are implemented by a professional staff consisting of a director, an associate director, three assistant directors, four judicial attorneys, two judicial program coordinators, a video specialist, an office manager/supervisor, and five secretaries.

CJER was originally funded by a grant from the California Office of Criminal Justice Planning in recognition of the fact that any overall improvement in the criminal justice system of the state necessitates a highly competent and well-informed judiciary.

Since July 1976, CJER has been funded through annual state appropriations to the Judicial Council. Special projects are financed by state, federal, and private grant funds.

Orientation for new judges

CJER's education system for new trial judges comprises six programs totaling five to six weeks of orientation and training during the new judge's first year of judicial service.

Advisor Judge (Mentor) Orientation Program

This program arranges for an experienced judge to assist each new trial judge in making the transition from law practice to the bench. A Guide for Advisor Judges outlines the steps the advisor judge should follow to orient new judges to their judicial duties. Since 1974, nearly the whole California judiciary has participated in this program.

Judicial Clinic Court Program

This one-week, in-residence educational program is designed especially for new judges with limited courtroom experience. It provides actual "hands-on" training in handling court proceedings. The program, began in late 1982, is conducted whenever a new judge requests the training.

New Trial Judges Orientation Program

This one-week, in-residence program provides new trial judges and commissioners with basic training in judicial roles, tasks, and skills, at the time of, or shortly after, taking the bench. The program consists of 10 courses (35 hours) that deal with judicial techniques and procedures for handling common court proceedings.

The program is conducted six times a year for new superior court judges and commissioners. It also is conducted, with different course content and instructors, six times a year for new municipal and justice court judges and commissioners. During fiscal year 1988-89, 153 new judges and commissioners took part in the programs. Altogether 1,525 have taken part since the program began in 1977. In addition, 26 municipal and superior court judges attended a Phase II orientation session in April 1987.

New Appellate Judges Orientation Program

This program was first held in March 1983 for 38 new Court of Appeal Judges; the second program was held in 1986 for 18 new appellate judges; and the third program was held in 1988 for 28 new appellate judges.

Judicial College Program

The California Judicial College is an annual two-week, in-residence program providing comprehensive education for all new trial judges and commissioners appointed during the year.

Established in 1967, this nationally recognized program provides judges and commissioners with some 65 hours of problem-solving classes and 20 hours of small group seminars. The 1989 college was attended by 140 new judges and commissioners.

Judicial Visitation Program

This program, which provides judges with tours of state correctional institutions, was started in 1988. The tours are designed to acquaint judges with the various institutions to which they may commit criminal defendants and juveniles, and to assist them in making appropriate sentencing choices.

Continuing education of judges

CJER's continuing education programs consist of seven annual institutes and three one-week California Continuing Judicial Studies Programs.

To assist the California judiciary in keeping up-to-date with recent developments in the law and in solving current court problems, CJER conducts seven annual continuing education institutes. They are designed for appellate court judges, civil trial judges, criminal court judges, family court judges, juvenile court judges, municipal and justice court judges, and rural "cow county" superior court judges.

A total of 933 judges and commissioners attended the seven 1988-89 institutes, and 10,997 judges and commissioners have attended since 1973.

Continuing judicial studies program

The Continuing Judicial Studies (CJS) program is a one-week, in-residence program designed to meet the advanced educational needs of experienced judges, particularly those changing their court assignments. CJS is the first "graduate level" program of its kind in the United States and features modern adult educational techniques and learning aids.

General programs for all judges are held semi-annually and a special annual program for incoming presiding judges of metropolitan superior and municipal courts has been held since November 1986.

The curriculum of the semi-annual general programs consists of numerous courses that range from one to five and one-half days in length, each of which covers a particular type of trial court duty.

The courses are generally divided into: (1) four week-long specialized schools for superior court judges, covering civil, criminal, family, and probate and mental health proceedings; (2) two week-long courses on civil and criminal proceedings for municipal and justice court judges; (3) one innovative, week-long program on judicial fact-finding and decision-making for all trial court judges; and (4) two schools on jurisprudence and the humanities for both trial and appellate court judges.

New courses include Judicial Ethics, Voir Dire and Trial Management, and death penalty Trials. Additional courses deal with judicial fairness, communication skills, and judicial stress.

The fall CJS program features one-week court management courses for incoming superior and municipal court presiding judges. The curriculum focuses on criminal and civil caseflow management, trial court funding issues, internal management problems, and development of effective working relationships with court personnel. The Fall program also includes courses on Family Law and Procedure and Criminal Adjudication.

A total of 276 judges and commissioners attended the three 1988-89 programs, and 1,793 have attended since this program began in 1981.

Publications, audio/video programs

CJER prepares numerous benchbooks and other educational materials for California judges. It also publishes the quarterly *CJER Journal*, which serves as a forum for the exchange of information, ideas, and successful working techniques among the California judiciary.

A complete description of CJER's judicial publications is found in 9 CJER Journal 1 (Cal CJER Spring issue 1989).

CJER also publishes a *California Judges Directory to Unpublished Judicial Materials*, which gives judges information about nearly all material authored by judges for court or educational use.

In addition, CJER publishes a series of audiocassette tape and videotape programs covering selected areas of judicial practice and procedure that are designed for both new and experienced trial judges.

A list of some 125 tape programs is contained in 9 CJER Journal 1 (Cal CJER Spring issue 1989).

A central library of audiotapes and videotapes is located at the CJER offices in Emeryville. Two satellite libraries are located in Los Angeles: one for the municipal courts and one for the superior courts.

Local Courts' Educational Liaison Program

CJER's innovative Local Courts' Educational Liaison Program has four principal functions: (1) to significantly augment local court educational activities, (2) to bring to local courts videotapes of important programs presented at CJER institutes around the state as well as CJER studio-produced programs, (3) to augment CJER's advisor judge orientation program, and (4) to help judges become educational liaisons between CJER and the local courts.

Seventy judges from courts with five or more judges have been named as liaisons to their local courts. Since the program's inception, CJER has produced approximately 15 videotapes in a studio setting and more than 50 videotapes of presentations made at CJER's continuing education programs.

The liaison judges show these videotapes at "brown bag" lunches in their local courts.

The Training and Consulting Unit of the AOC

Judicial training was further expanded in 1989 when the AOC assumed responsibility for increased management training of California judges, court administrators, and support staff under the auspices of the Training and Consulting (T&C) Unit.

In addition to formalized training events, improved management techniques were introduced in a counseling capacity to individual courts through management consulting services. The purpose of counseling was to enourage judicial leaders to take active control of their caseloads and to work in concert with the executive and legislative branches.

T&C staff also assist in training for new presiding judges on managing change and other leadership issues in CJER's *Continuing Judicial Studies Program*.

Programs relating to judicial training conducted by T&C include:

Improving Judicial Effectiveness Program

Two judicial representatives of the California courts attended an "Improving Judicial Effectiveness" workshop in Vail, Colorado during 1989. Thanks to a grant from the State Justice Institute to the National Center for State Courts, the seminar will be repeated in California in 1990 for the benefit of 60 judicial officers. This management-oriented program is designed for trial judges who are not now in administrative positions, but

may be in line to assume such a position in the future. The program's basic goal is to improve judges' understanding of how court management can be used to improve individual and court performance. By making such training available to California judges, future leadership in managing the trial courts is ensured.

Presiding judges meetings
Presiding judges meetings are conducted to provide trial court leaders with information on modern court management practices, innovative programs, and statewide projects. During meetings held in 1989, judges defined the major priorities facing the trial courts. These priorities were submitted to the Judicial Council for consideration and adoption.

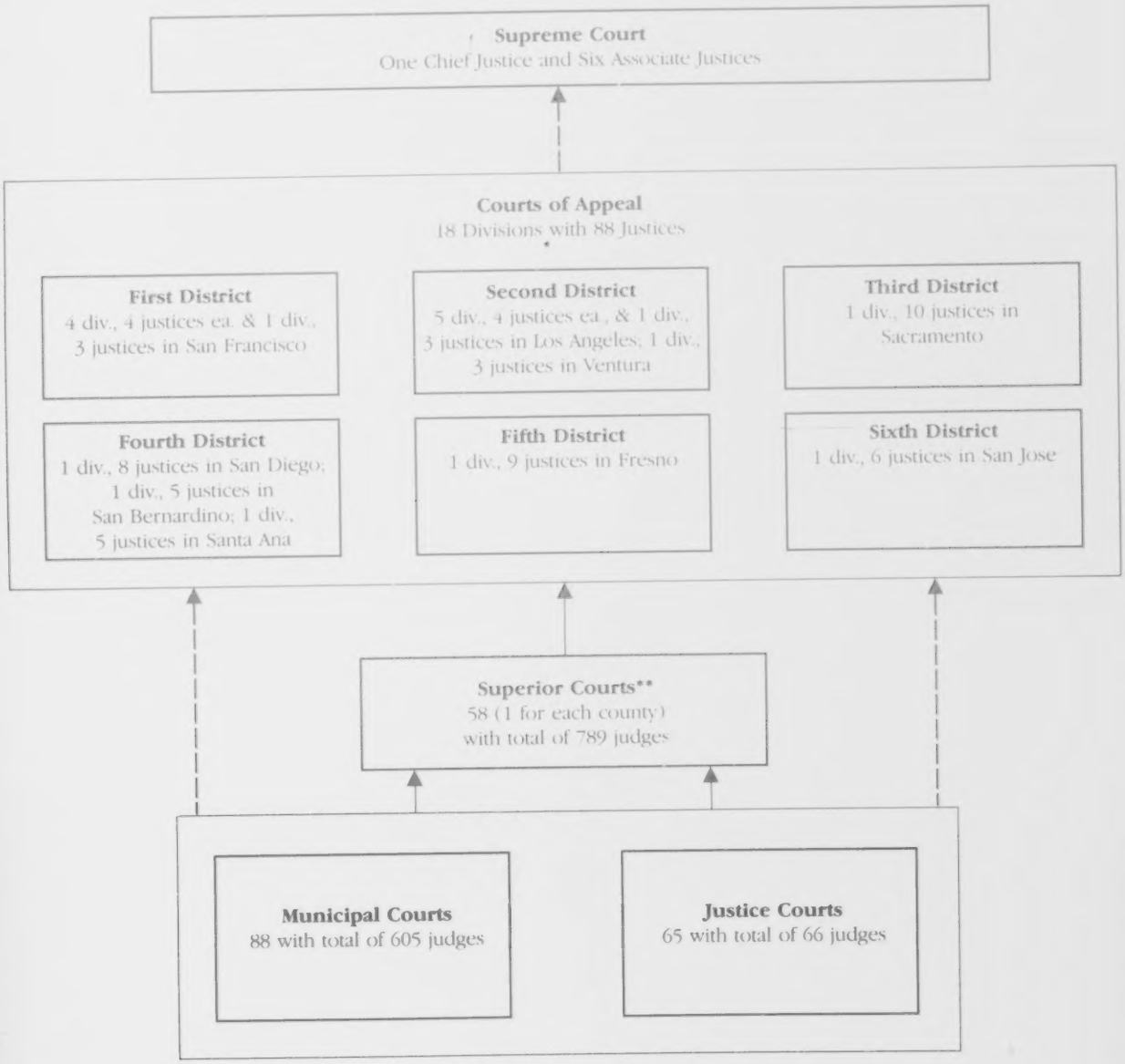
Court Management Conference
The Court Management Conference is an annual event attended by presiding judges, court administrators, and county clerks. The 1989 Court Management Conference theme, "The California Courts: The Next Step?," explored case management and calendaring techniques that apply to the reduction of case processing delay. More than 375 judges and administrators attended this three-day event. Judicial and administrative representatives from Michigan, New Jersey and Colorado were present to discuss alternative case management techniques.

The conference also included presentations and panel discussions related to differential case management, direct calendaring, trial court funding, and training needs. Consensus statements by superior courts and by municipal and justice courts identified the major issues facing trial courts.

The conference also included an Exhibits Fair where courts displayed innovative solutions to common court problems and new technology. Exhibits focused on video arraignment, electronic recording, an automated evidence tracking system, satellite ticket office, magnetic stripe driver's license identification card, and alternative dispute resolution.

Traffic Adjudication Workshop
The 1989 Traffic Adjudication Workshop was conducted for municipal court commissioners and referees and juvenile traffic hearing officers. The workshop included presentations and discussions relating to alternative sentencing, electronic enforcement (radar), and current legislation.

CALIFORNIA COURT SYSTEM*


Supreme Court
One Chief Justice and Six Associate Justices
Courts of Appeal
18 Divisions with 88 Justices
First District
4 div., 4 justices ea. & 1 div., 3 justices in San Francisco
Second District
5 div., 4 justices ea., & 1 div., 3 justices in Los Angeles; 1 div., 3 justices in Ventura
Third District
1 div., 10 justices in Sacramento
Fourth District
1 div., 8 justices in San Diego; 1 div., 5 justices in San Bernardino; 1 div., 5 justices in Santa Ana
Fifth District
1 div., 9 justices in Fresno
Sixth District
1 div., 6 justices in San Jose
Superior Courts**
58 (1 for each county) with total of 789 judges
Municipal Courts
88 with total of 605 judges
Justice Courts
65 with total of 66 judges

———— Line of Appeal
— — — — — Line of Discretionary Review

* Total number of judges refers to authorized judicial positions as of July 1, 1989.
** Death penalty cases are automatically appealed from the superior court directly to the Supreme Court.

JUDICIAL STATISTICS: PROFILE OF THE CALIFORNIA JUDICIAL SYSTEM

The California Constitution vests the judicial power of the state in a Supreme Court, Courts of Appeal, superior courts, municipal courts and justice courts (Cal. Const., art. VI, § 1). The superior, municipal and justice courts are the state's trial courts; the Supreme Court and Courts of Appeal are appellate courts that primarily review trial court decisions.

The Constitution also provides for three agencies concerned with judicial administration: the Judicial Council, which improves and expedites the administration of justice (Cal. Const., art. VI, § 6); the Commission on Judicial Appointments, which votes to confirm gubernatorial appointees to appellate court vacancies (Cal. Const., art. VI §§ 7, 16); and the Commission on Judicial Performance, which deals with the admonishment, censure, removal or retirement of judges for misconduct or disability (Cal. Const., art. VI, §§ 8, 18).

The California judicial system consists of 218 courts and 1,555 authorized judgeships.[1] The names of judges of the Supreme Court, Courts of Appeal and superior courts are listed in the *California Official Reports*. Nearly 18 million cases were filed during fiscal year 1988-89; parking violations accounted for 6.8 million of these cases.

The annual cost of the judicial system, not including capital outlay for facilities, is $1.3 billion, with $657.9 million, or 51.3 percent, supplied by the state and the remainder funded by local county governments. Court revenues from fines, forfeitures, penalties and court fees — $1.1 billion annually — are distributed to to the state, counties and cities. (Also see Volume I, chapter 20, for more information.)

1 As of July 1, 1989 there were 1,434 filled judgeships in California. The number of filled judgeships during the fiscal year ranged from 1,398 to 1,434. References to judgeships in this summary refer to authorized positions.

CHAPTER 5

CALIFORNIA SUPREME COURT

During fiscal year 1988-89, filings with the California Supreme Court totalled 4,251, a slight decrease from the previous year (-137 or 3 percent). This reflected a small decline in petitions for review in civil matters. It was the sixth year in a row that Supreme Court filings topped 4,000.

New filings of automatic appeals in death penalty cases, each requiring substantial court time to complete, were at the third highest level in the last 10 years (37).

State Bar discipline filings rose 26 percent over last year's record high. These cases reflect increased strictness in the State Bar's recommendations regarding sanctions. Disbarment or acceptance of a resignation with disciplinary proceedings pending was recommended in 41 percent of the filings. Over the preceding three years, these two categories averaged 32 percent of disciplinary filings.

The Supreme Court decided 120 cases by written opinion, approximately the same number as the year before. This included the disposition of 43 automatic appeals by written opinion.

Petitions for Review

Petitions for review decreased to 25 percent of appeals decided by Courts of Appeal, from 28 percent last year. The historical average is 28-33 percent.

This year, a new table (Table 5) provides statistics on the number of petitions for review granted for expected decision on the merits, the number "granted and held" in anticipation that they will be resolved by decisions in lead cases, and the number granted and promptly transferred to a Court of Appeal for further proceedings. Of the total of 140 petitions granted (4 percent of petition dispositions), 79 (2 percent) were retained in the Supreme Court, compared with 108 (3 percent) last year. The number of petitions granted is less than in any of the past 10 years.

Original Proceedings

Original proceedings ("writ matters") filed in the Supreme Court remained almost unchanged from last year: proceedings concerning criminal matters increased by 6 percent, and those concerning civil matters increased by 5 percent.

Original writ proceedings, although infrequently heard on the merits, impose a substantial workload on the court since each matter filed must be evaluated to determine if it presents a question of substantial merit. A significant number are found to be sufficiently meritorious to require a full hearing, which the Supreme Court may direct to be held in a lower court.

Supreme Court Profile

The Supreme Court of California is the state's highest court. Its decisions are binding on all other California state courts.

The Supreme Court consists of the the Chief Justice of California and six Associate Justices. Members of the Supreme Court are appointed by the Governor and confirmed by the Commission on Judicial Appointments. The appointments are confirmed by the public at a general election, and justices also come before the voters at the end of their 12-year terms.

To be considered for appointment, a person must be an attorney admitted to practice law in California or have served as a judge of a court of record in this state for 10 years immediately preceding appointment (Cal. Const., art. VI, § 15).

Regular sessions are held in Los Angeles, Sacramento, and at the court's headquarters in San Francisco.

The Supreme Court may review decisions of the state Courts of Appeal (Cal. Const., art. VI, § 12). This reviewing power enables the Supreme Court to decide important legal questions and to maintain uniformity in the law.

The Supreme Court may select specific issues for review, or it may decide all the issues in a case (Cal. Const., art. VI, § 12).

In unusual situations involving matters of great importance, the Supreme Court can transfer a case from a Court of Appeal to itself without waiting for the Court of Appeal decision.

The Supreme Court is required to decide the appeals in all cases in which a judgment of death has been pronounced by the trial court (Cal. Const., art. VI, § 11). Under state law, these cases are automatically appealed directly to the Supreme Court, without first going to a Court of Appeal (Pen. Code, § 1239, (b)).

The Supreme Court also has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. It also has original jurisdiction in habeas corpus proceedings (Cal. Const., art. VI, § 10).

In addition, the Supreme Court reviews the recommendations of the Commission on Judicial Performance and the State Bar of California concerning the discipline of judges and attorneys for misconduct, as well as decisions of the Public Utilities Commission.

Decisions of the Supreme Court are published in the Official Reports.

Business Transacted

The Supreme Court disposed of 120 cases by written opinion, almost the same number as the year before.

The court granted 140 of 3,192 petitions for review (4 percent); in 1987-88, it granted 222 petitions for review, 7 percent of the total filed. Of the 140 matters in which review was granted, 61 were immediately transferred back to a Court of Appeal for further proceedings.

The greatest change from last year was in the percentage of civil appeals in which review was granted: 5 percent (51 cases) of petitions in that category compared with last year's 10 percent (99 cases).

There were 283 transfers and retransfers between the Supreme Court and the Courts of Appeal, and between different Courts of Appeal and divisions. A significant number of these were transfers immediately upon grant of review, noted above, and transfers of matters that had been held by the Supreme Court pending decision of a lead case.

The court also issued 2,717 "routine and miscellaneous" orders, the highest number since 1985-86. Many of these orders are issued in connection with pending death penalty appeals and relate to the completion of the record, briefing, and the appointment and compensation of counsel.

Ninety-Day Policy

The California Supreme Court adopted a new policy for the disposition of cases orally argued after January 1, 1989. Under this policy, the court files the opinion within 90 days after oral argument or post-argument briefing, unless submission is vacated by an order of the Chief Justice detailing the reasons and providing for prompt resubmission.

All cases argued from January 1, 1989 to date have been decided within the 90-day period. Resubmission has not been required in any case. Counsel, litigants and the public benefit from knowing that once a case has been argued, decisions will be issued within a specific time frame.

New Booklet

A pamphlet updating the Supreme Court's internal operating procedures was published and is available through the Clerk's Office and Public Information Office. First issued in 1985, the booklet describes the functions and structure of the Supreme Court, offers a brief history of the court and details the court's internal operating practices and procedures.

The newest edition reflects the addition of the 90-day rule and other new procedures implemented in response to the report of the Select Committee on Supreme Court Procedures (See box).

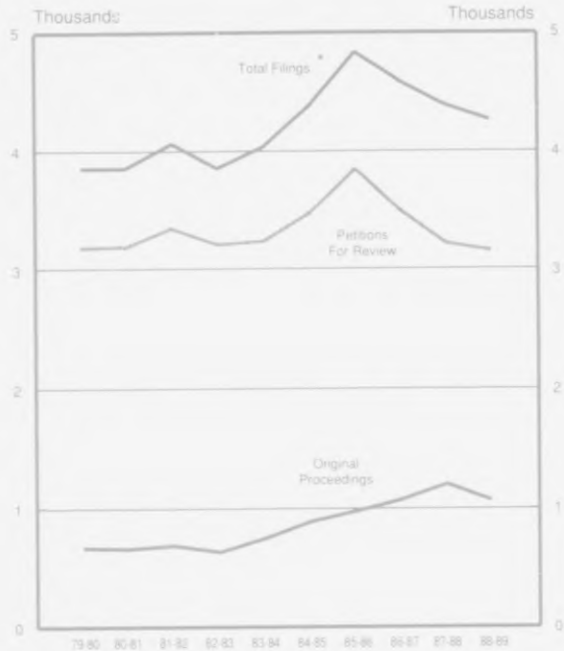
Supreme Court Implements New Operating Procedures

In 1987, Chief Justice Malcolm M. Lucas appointed a Select Committee on Supreme Court Procedures, chaired by retired Supreme Court Justice Frank K. Richardson. In February 1988, the Select Committee submitted its final report, which made numerous recommendations on how the court might handle its caseload more efficiently. The Select Committee's report was widely distributed, and was summarized in the 1989 Annual Report.

The Supreme Court has implemented many of the Select Committee's recommendations, in addition to making other improvements in procedure, such as the adoption of the 90-day policy. Proposals which have been adopted include the following:

- ☐ A civil central staff, consisting of seven attorneys and a secretary, prepares conference memoranda that evaluate petitions for review in civil matters, as staff has done in criminal cases for many years. The new central staff function allows the justices and their staffs to devote more time to the merits of cases. The court is requesting funding for seven additional attorneys for the civil central staff.
- ☐ Draft opinions are now considered simultaneously by all justices. Under previous procedures, case responsibility moved sequentially from one justice to another, along with the package of briefs and records called "the box." The box no longer travels from justice to justice; it now remains in the Secretary's Office.
- ☐ The court's internal procedures include time standards for the circulation of the preargument calendar memorandum and other justices' preliminary responses to it, for the circulation of concurring or dissenting calendar memoranda, and for other steps, including the circulation of the proposed final opinion.
- ☐ The court now places more emphasis on conferences and informal meetings between justices – rather than written memoranda – to review the status of cases and to resolve differences between the justices.
- ☐ The court plans to move to new quarters in Marathon Plaza in the San Francisco Financial District in 1991. The new building will contain expanded office space for the justices and their staffs, who now occupy part of the San Francisco State Building.

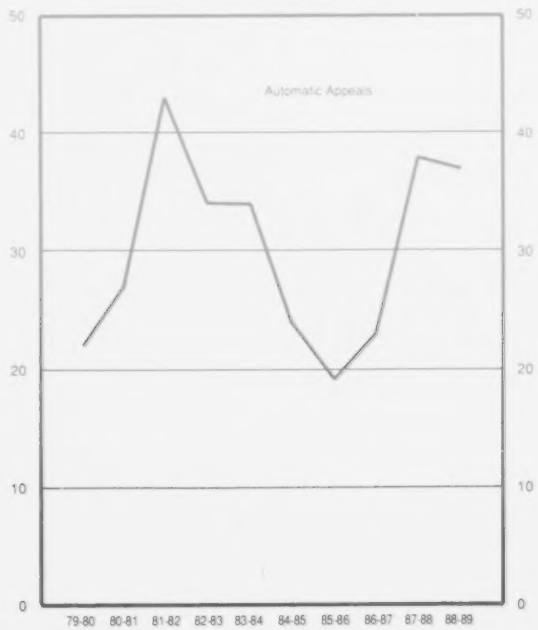
FIGURE 1-Filings
Fiscal Years 1979-80 through 1988-89



SOURCE: TABLE 1

* Automatic appeals, petitions for review, and original proceedings. Does not include state bar filings.

FIGURE 2-Automatic Appeals Filed
Fiscal Years 1979-80 through 1988-89



SOURCE: TABLE 1

Supreme Court
Table 1

Summary of Filings and Dispositions Fiscal Years 1979-80 through 1988-89

Fiscal year	Total (A)	Automatic appeals (B)	Petitions for review: Civil (C)	Petitions for review: Criminal (D)	Petitions for review: Habeas corpus (E)	Original proceedings: Civil (F)	Original proceedings: Criminal (G)	Original proceedings: Habeas corpus (H)
Filings								
1979-80	3,858	22	1,644	1,539	-	215	438	-
1980-81	3,864	27	1,582	1,597	-	195	463	-
1981-82	4,056	43	1,599	1,739	-	204	471	-
1982-83	3,856	34	1,575	1,630	-	206	411	-
1983-84	4,025	34	1,723	1,521	-	209	538	-
1984-85	4,370	24	1,737	1,727	-	167	715	-
1985-86	4,827	19	1,830	2,004	-	169	805	-
1986-87	4,581	23	1,769	1,729	-	188	872	-
1987-88	4,388[r]	38[r]	1,687[r]	1,384	146	155[r]	58	920
1988-89	**4,251**	**37**	**1,560**	**1,459**	**134**	**160**	**64**	**837**
Total cases disposed								
1987-88	-	33	1,694	1,383	127	-	-	-
1988-89	**4,488**	**46**	**1,649**	**1,464**	**126**	**138**	**60**	**1,005**

(A) Sum of columns (B) through (H). State bar filings are not included in this table. Changes in the numerical total do not necessarily reflect changes in workload because some proceedings take more court time than others. In particular, automatic appeals account for a significant part of the court's workload even though they constitute less than 1% of total filings.

(B) Death penalty cases.

(C) Includes civil appeals and civil writs from the Court of Appeal. The numbers prior to 1981-82 are petitions disposed. This is used as an estimate of petitions filed because of the short time between filing and action upon a petition. (see Cal. Rules of Court, rule 28(a) and (e)).

(D) Includes criminal appeals and criminal writs from the Court of Appeal. 1987-88 and 1988-89 exclude habeas corpus, now shown in (E). The numbers prior to 1981-82 are petitions disposed. This is used as an estimate of petitions filed because of the short time between filing and action upon a petition. (see Cal. Rules of Court, rule 28(a) and (e)).

(F)&(G) 1987-88 and 1988-89 exclude habeas corpus, now shown in (H).

r Revised.

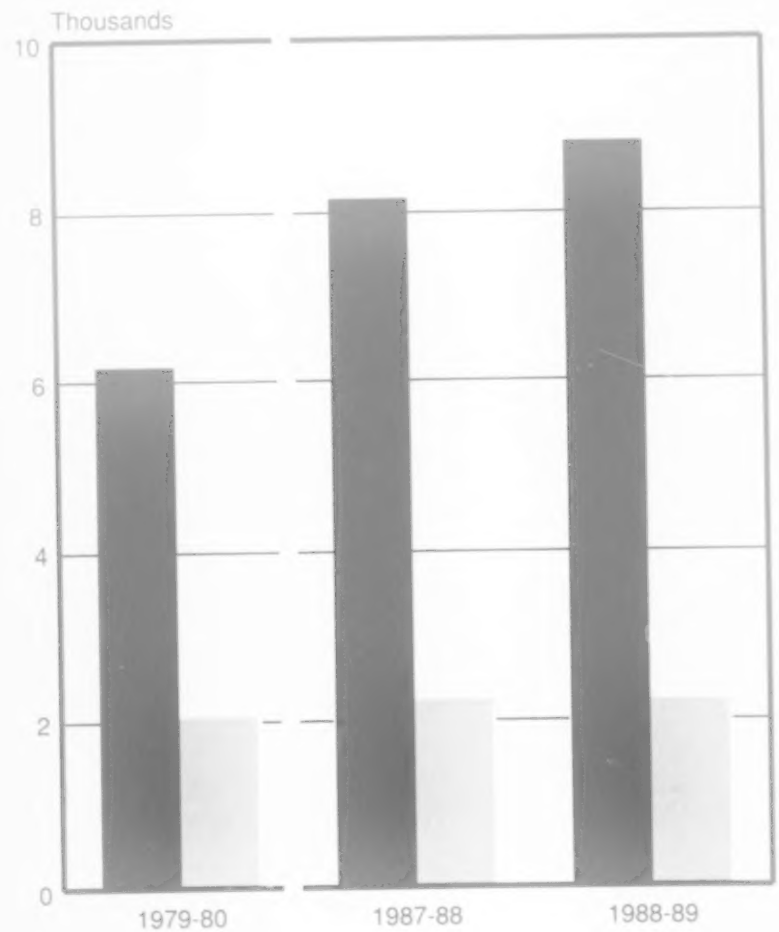
Supreme Court
Table 2

Attorney Disciplinary Proceedings Filed Fiscal Years 1979-80 through 1988-89

	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89
Record of conviction of crime filed										
—Suspension ordered because offense involved moral turpitude	14	30	10	32	28	32	33	28	33	95[c]
—Referred to State Bar for determination whether offenses involved moral turpitude	8	10	6	12	14	28	38	51	58	
State Bar recommendations of suspension or probation	34	57	60	38	52	74	70	61	91	89
State Bar recommendations of disbarment	4	10	7	8	6	12	22	25	36	39
State Bar filing without specific recommendation[a]	10	9	8	11	8	10	4	16	15	2
Resignation while disciplinary proceedings pending	10	7	16	12	8	24	30	85	40	102
Petitions for reinstatement	2	1	1	0	2	1	2	0	0	1
Accusation filings[b]	6	0	0	0	0	0	0	0	0	15
Total filings	88	124	108	113	118	181	199	266	273	343

a Or recommendation not noted on docket.
b Accusations seeking independent review by the Supreme Court without prior recommendation are now filed as disciplinary proceedings.
c Automated docket data beginning January 1, 1989, does not distinguish offenses that on their face involve moral turpitude as opposed to other crimes. In the first half of fiscal year 1988-89, 18 reports of convictions resulted in immediate suspensions, and 29 were referred to the State Bar for a determination of whether moral turpitude was involved.

FIGURE 3-Petitions for Review of Appeals as a Percent of Appeals Decided by Court of Appeal Opinions Fiscal Years 1979-80, 1987-88 and 1988-89



	1979-80	1987-88	1988-89
Appeals Terminated by Opinion in the Court of Appeal	6,175	8,142	8,806
Petitions for Review of Appeals Filed in Supreme Court	2,044	2,242	2,220
	33%	28%	25%

Supreme Court
Table 3

Summary of Business Transacted
Fiscal Years 1979-80 through 1988-89

Fiscal year	*Written opinions* (A)	*Appeals disposed without opinion* (B)	*Petitions for review*[a] *Granted* (C)	*Granted and transferred* (D)	*Denied* (E)	*Alternative writs or orders to show cause* (F)	*Original proceedings disposed without opinion* (G)
1979-80	140	32	217	-	2,963	44	503
1980-81	114	14	267	-	2,912	40	523
1981-82	123	6	280	-	3,086	53	514
1982-83	133	1	286	-	2,980	61	427
1983-84	126	9	318	-	3,003	60	585
1984-85	125	3	318	-	2,966	49	716
1985-86	144	11	278	-	3,450	46	789
1986-87	85	5	224	-	3,169	67	818
1987-88	122	7	108	98	3,066[r]	55	918
1988-89	**120**	**35**	**79**	**61**	**3,052**	**92**	**1,118**

(A) Includes petitions from the Court of Appeal, original proceedings, and automatic appeals.
(B) These are cases which were granted and held for determination of a lead case. The dispositions reflect action taken after the lead case was decided.
(C) 1987-88 and 1988-89 exclude grant and transfers, now shown in (D). Prior years include grant and transfers. Grant and holds are included for all years.
(G) Most of these dispositions are writs filed within the Supreme Court's original jurisdiction in which the court did not issue an order to show cause or an alternative writ. Also included are original proceedings transferred to the Court of Appeal.

a The Supreme Court's exercise of its discretion to grant or deny petitions for review comprises a significant part of its workload.
r Revised.

Supreme Court
Table 4

Miscellaneous Business Transacted [a]
Fiscal Years 1979-80 through 1988-89

Fiscal year	*Motions denied or granted* (A)	*Rehearings*		*Transfers and retransfers* (D)	*Routine and miscellaneous orders* (E)	*Executive clemency applications* (F)
		Granted (B)	*Denied* (C)			
1979-80	179	0	72	220	2,250	17
1980-81	264	0	62	171	2,821	20
1981-82	40	0	57	426	3,132	18
1982-83	47	2	55	1,719	3,688	65
1983-84	51	1	43	1,933	4,221	70
1984-85	56	0	28	1,286	4,270	79
1985-86	73	4	41	298	3,076	18
1986-87	56	10	38	246	2,642	26
1987-88	15	4	45	418	2,270	7
1988-89	**70**	**3**	**62**	**283**	**2,717**	**15**

(A) Excludes granted motions to dismiss reported under appeals.
(D) Includes transfers, which are orders transferring pending cases from one Court of Appeal district to another or between two divisions of the same district (usually issued to balance workload), and orders transferring original proceedings filed in the Supreme Court to the Court of Appeal, and retransfers, which are orders issued at the time hearing is granted in the case retransferring the matter to the Court of Appeal for consideration.
(F) See California Constitution, article V, section 8.

a Due to the limited use of this data, we plan to eliminate this table from next year's annual report. Information in this table does not appear elsewhere.

Supreme Court
Table 5

Summary of Petitions for Review
Fiscal Year 1988-89

	Filed	*Disposed*					
		Total	*Granted*	*Granted and held*	*Granted and transferred*	*Denied*	*Percent granted*
	(A)	(B)	(C)	(D)	(E)	(F)	(G)
Total	3,153	3,192	41	38	61	3,052	4%
Total civil	1,560	1,612	27	29	51	1,505	7
Civil appeals	988	1,019	20	20	11	968	5
Civil writs	572	593	7	9	40	537	9
Total criminal	1,571	1,556	13	9	10	1,524	2
Criminal appeals	1,231	1,219	8	9	2	1,200	2
Criminal writs (including habeas)	362	361	6	0	8	347	4

(B) Sum of columns (C) through (F)
(G) 100 x [(C) + (D) + (E)] / (B)

Supreme Court
Table 6

Dispositions of Criminal Appeals Fiscal Years 1988-89 and 1987-88

	Appeals by defendants				*Appeals by prosecution*[a]	
	1988-89		*1987-88*		*1988-89*	*1987-88*
	Number (A)	*Percent* (B)	*Number* (C)	*Percent* (D)	*Number* (E)	*Number* (F)
Total cases	57	100%	47	100%	3	1
Affirmed in full	26	46	34	72	0	0
Affirmed with modifications	22	39	8	17	1	0
Total affirmed	48	84	42	89	1	0
Reversed for expected retrial[b]	9	16	4	9	2	1
Reversed no retrial possible	0	0	1	2	0	0
Dismissed	0	0	0	0	0	0

(A)&(C) Appeals of criminal cases decided by the Court of Appeal. Does not include automatic appeals.
(B)&(D) Percentages may not add to total due to rounding.

a Pen. Code, §1238.
b In a case appealed by prosecution, there may not yet have been a trial (if the order appealed from was a dismissal); or a retrial may be unnecessary (e.g., if the order appealed from was a sentence reduction).

CHAPTER 6

COURTS OF APPEAL

During fiscal year 1988-89, a total of 18,508 appeals and original proceedings were filed in the Courts of Appeal. This increase of 463 (+3 percent) over the previous year reflects another record (Table 3).

An increase also occurred in appeals as a percentage of contested cases decided by trial courts. Approximately 21 of every 100 contested civil cases tried in superior court were appealed to the Courts of Appeal during 1988-89.

The ratio for criminal cases was 125 appeals for every 100 convictions after contested trials in superior court. The latter figure shows that many appeals are filed after non-trial dispositions. These appeals are likely to raise only sentencing issues. (Table 4).

Historically, an appeal was counted as "filed" only when the record was delivered to the reviewing court. Counted this way, "appeals filed" somewhat understates the civil appeals total.

1988-89 is the first year that data is available on total notices of appeal filed in superior court:

- 8,129 in civil actions
- 6,164 in criminal cases

Initial appeal filings in civil cases are reduced by 30-35 percent representing cases where the record on appeal was not in the reviewing court because the appeal was abandoned or settled (1988-89 Annual Data Reference Table 1).

Courts of Appeal disposed of 9,483 appeals and original proceedings by opinions, an 8 percent increase over the preceding year, and a new record number (Table 5).

Total cases disposed of by majority opinions amounted to 110 cases per judge-equivalent, based on an estimate of the justices actually available to handle cases in the Courts of Appeal during 1988-89 (Table 1 and Figure 3).

Courts of Appeal affirmed the trial court in 94 percent of the defendants' criminal appeals decided in 1988-89.

In criminal appeals filed by prosecutors, however, trial courts were affirmed only 38 percent of the time, i.e. the prosecution usually was successful in the few cases it decided to appeal (Table 7).

During 1988-89, 12 percent of the majority opinions of the Courts of Appeal were certified for publication, almost the same percentage as in the previous year (Table 8).

Courts of Appeal Profile

The Courts of Appeal, established by a constitutional amendment in 1904, are California's intermediate courts of review. They have appellate jurisdiction when superior courts have original jurisdiction and in certain other cases prescribed by statute.

Like the Supreme Court, the Courts of Appeal have original jurisdiction in habeas corpus, mandamus, certiorari, and prohibition proceedings.

California has six appellate districts, each with at least one division. Each division is headed by a presiding justice and has two or more associate justices; all are appointed by the Governor and must be confirmed by the Commission on Judicial Appointments.

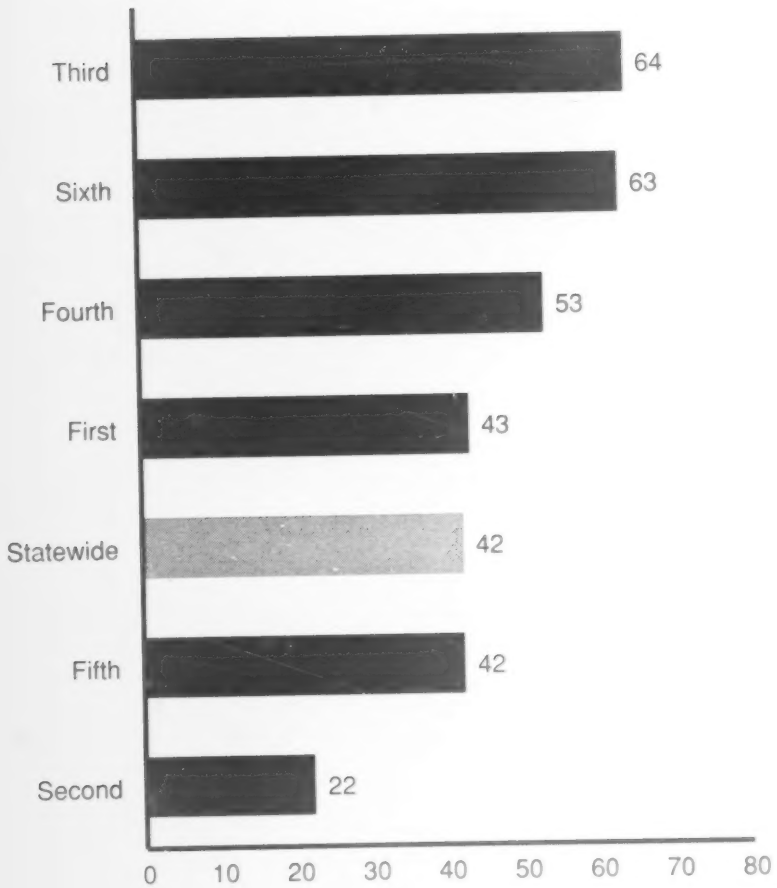
The same rules governing the selection of Supreme Court justices apply to those serving on the Courts of Appeal. The Legislature has constitutional authority to create new Court of Appeal districts and divisions.

The six appellate districts comprise 18 divisions and 88 justices. District locations are: First District, San Francisco; Second District, Los Angeles (with one division in Ventura); Third District, Sacramento; Fourth District, San Diego, San Bernardino and Santa Ana; Fifth District, Fresno; Sixth District, San Jose.

Cases are decided by three-judge panels. Decisions of the panels, known as opinions, are published in the California Appellate Reports if they meet certain criteria for publication. In general, opinions are published if they establish a new rule of law, involve a legal issue of continuing public interest, criticize existing law, or make a significant contribution to legal literature.

During fiscal year 1988-89, 12 percent of Court of Appeal opinions were certified as meeting the criteria for publication.

FIGURE 1-Ratio of Pending Fully Briefed Appeals Per 100 Appeals Disposed by Written Opinion For Appeals Pending as of June 30, 1989 And Disposed in 1988-89



SOURCE: TABLE 1
[(C)+(D)]/[(E)+(F)]x100

Figure 1

- The ratio of pending fully-briefed appeals to appeals disposed by written opinion is a backlog measurement that accounts for actual backlog as well as judicial productivity. The ratio is an estimate of time a court needs to dispose pending fully-briefed appeals. A ratio of 100 is equivalent to one year, 50 is equivalent to six months, etc. This estimate is based on the assumption that the court will decide the same number of appeals in 1989-90 as in 1988-89.
- The Second District had 22 fully-briefed appeals per 100 appeals disposed with opinion in 1988-89, the lowest ratio among the six appellate districts. Given the assumption noted above, it would take just under three months for the court to dispose pending appeals. The Second District was the only district with a ratio significantly smaller than the statewide ratio of 42.
- The Third District had 64 pending fully-briefed appeals per 100 appeals disposed with opinion, the highest ratio among the six appellate districts. With 63 pending fully-briefed appeals, the Sixth District reported the second highest ratio. However, both the Third and Sixth Districts had vacancies in 1988-89 that since have been filled. Therefore, these courts are expected to be more productive in terms of total appeals disposed with opinion in 1989-90.

Figure 2

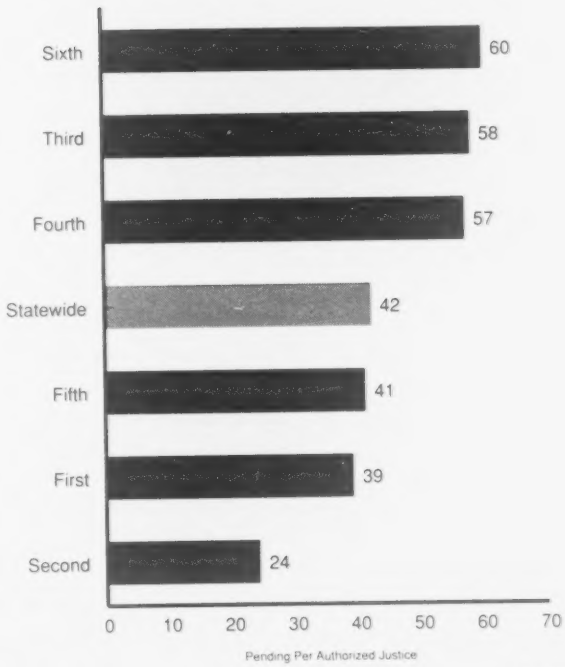
- The Sixth, Third, and Fourth Districts reported the highest number of pending fully-briefed appeals per authorized justice as of June 30, 1989, with 60, 58, and 57 appeals, respectively. These districts also reported the highest rates of dispositions by opinion per available justice (Figure 3).
- With 24 pending fully-briefed appeals per authorized justice, the Second District reported the lowest number of such appeals, and was the only district to fall significantly below the statewide average of 42 per authorized justice.

Figure 3

- The Third District disposed 118 cases by opinion per judge-equivalent in 1988-89, the highest among the six districts.
- The First District reported the lowest disposition rate with 100 dispositions by opinion per judge-equivalent. However, Figure 2 shows that the number of pending appeals per justice is below average for the First District. The lower disposition rate, therefore, reflects fewer cases available for the justices.

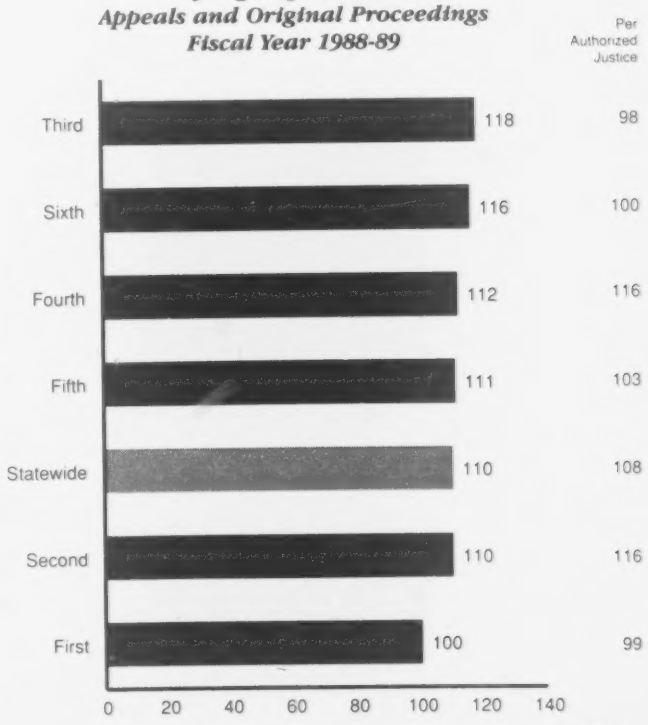
  Also, Figure 6 shows that the First District had fewer notices filed per justice than other districts.
- Less variation among the districts is reported for dispositions by opinion than for pending fully-briefed appeals (Figure 2). The highest disposition rate per judge-equivalent was only 18 percent higher than the lowest.
- High rates of disposition are not necessarily desirable. A justice should be expected to decide some maximum number of cases in view of the constitutional requirements of a reasoned written opinion.

FIGURE 2-Pending Fully Briefed Appeals Per Authorized Justice As of June 30, 1989



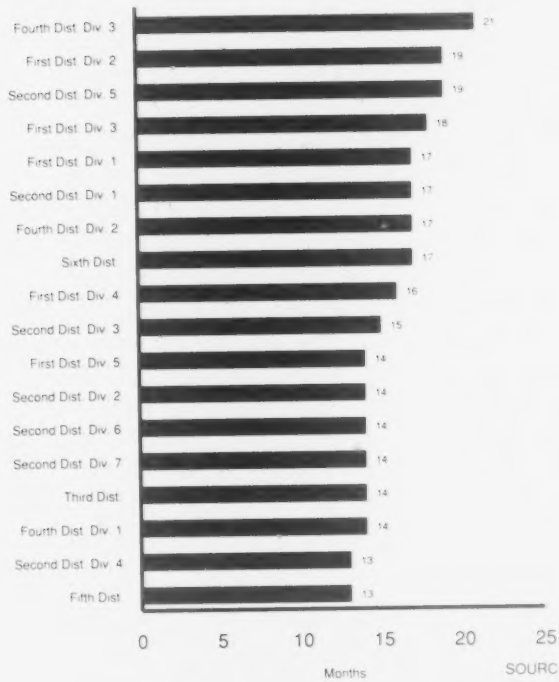
SOURCE: TABLE 1
[(C)+(D)]/(A)

FIGURE 3-Dispositions by Opinion Per Judge-Equivalent Appeals and Original Proceedings Fiscal Year 1988-89



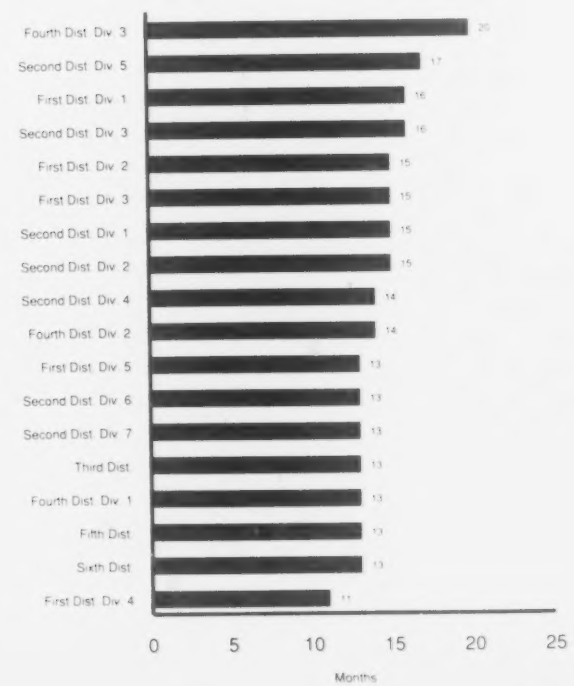
SOURCE: TABLE 1
FOR PER JUDGE EQUIVALENT [(E)+(F)+(G)]/(B)
FOR PER AUTHORIZED JUSTICE [(E)+(F)+(G)]/(A)

FIGURE 4-A-Median Time in Months from Notice of Appeal to Filing of Opinion for Civil Appeals Disposed of During Quarter Ending June 30, 1989



SOURCE: TABLE 9

FIGURE 4-B-Median Time in Months from Notice of Appeal to Filing of Opinion for Criminal Appeals Disposed of During Quarter Ending June 30, 1989



SOURCE: TABLE 9

Figure 4-A

- Division Three of the Fourth District reported the longest median time from notice of appeal to filing of opinion for civil appeals disposed between April 1 and June 30, 1989. The time from notice to opinion was greater than 21 months for half the civil appeals disposed by the division.
- The Fifth District and Division Four of the Second District had the shortest median times for civil appeals with 13 months from notice of appeal to opinion.

Figure 4-B

- Division Three of the Fourth District had the longest median time from notice of appeal to filing of opinion for criminal appeals disposed between April 1 and June 30, 1989. The median was 20 months. Division Three of the Fourth District also had the highest median for civil appeals.
- Division Four of the First District had the shortest median time for criminal appeals with 11 months from notice of appeal to opinion.

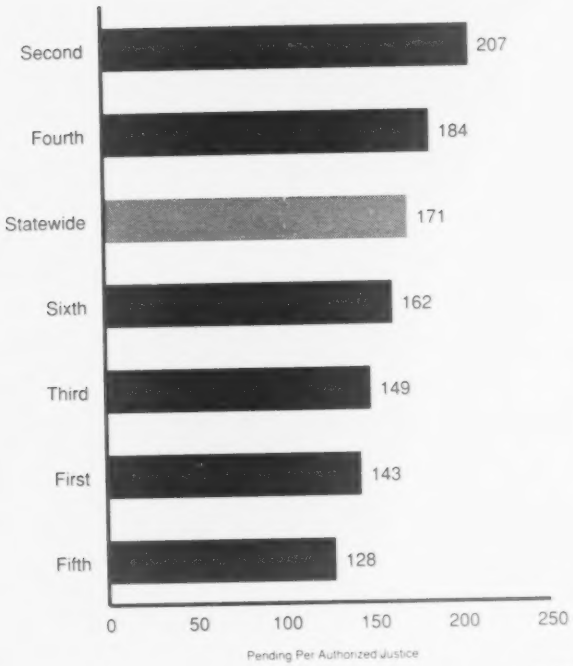
Courts of Appeal
Table 1

Data Supporting Performance Indicators Fiscal Year 1988-89

District	*Number of authorized justices* (A)	*Full-time judge equivalent* (B)	*Pending fully-briefed appeals*		*Appeals disposed by written opinion*		*Original proceedings disposed by written opinion* (G)
			Civil (C)	*Criminal* (D)	*Civil* (E)	*Criminal* (F)	
First	19	18.9	440	309	761	980	149
Second	26	27.2	361	255	1,317	1,463	224
Third	10	8.3	330	252	358	558	61
Fourth	18	18.6	600	425	836	1,089	161
Fifth	9	8.0	126	242	268	612	46
Sixth	6	5.4	203	154	215	349	36
State Total	**88**	**86.4**	**2,060**	**1,637**	**3,755**	**5,051**	**677**

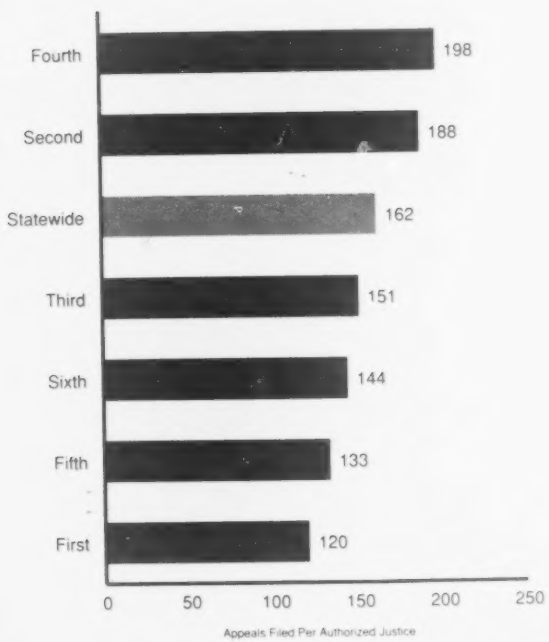
(A) Authorized justices as of June 30, 1989.
(B) "Full-time judge equivalent" includes a court's regular number of judges plus the time reported for judges assigned to the court, minus the time reported for assignments of the court's regular members to another court and for extended absence.
(C) Civil appeals argued, calendared or ready June 30, 1989.
(D) Criminal appeals argued, calendared or ready June 30, 1989.
(E) Civil appeals disposed during fiscal year 1988-89. Includes appeals filed prior to fiscal year 1988-89.
(F) Criminal appeals disposed during fiscal year 1988-89. Includes appeals filed prior to fiscal year 1988-89.
(G) Original proceedings disposed during fiscal year 1988-89. Includes original proceedings filed prior to fiscal year 1988-89.

FIGURE 5-Pending Appeals Per Authorized Justice With Notice Filed As of June 30, 1988



SOURCE: TABLE 2 (A)-(E)

FIGURE 6-Notices of Appeals Filed Per Authorized Justice Fiscal Year 1988-89



SOURCE: TABLE 2 (B)-(E)

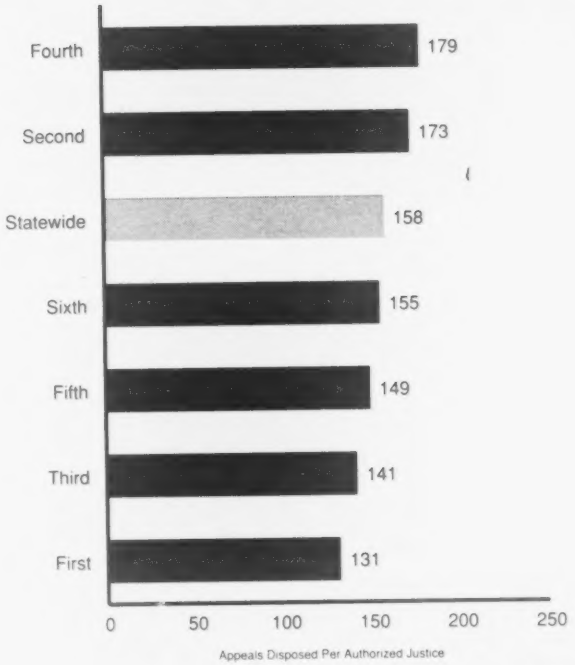
Figures 5, 6, 7, and 8

- These four figures measure the courts' inventory of appeals per authorized justice. Figure 5 shows pending appeals as of June 30, 1988 (inventory at the beginning of 1988-89); Figure 6 shows notices filed during 1988-89 (inventory added during the year); Figure 7 shows appeals disposed during the 1988-89 (inventory subtracted during the year); and Figure 8 shows pending appeals as of June 30, 1989 (inventory at the end of 1988-89). For any given court, Figure 8 should equal the sum of Figures 5 and 6 less Figure 7. Discrepancies are attributable to reactivated cases (due to appeals or remands) and possible data entry problems.
- The six districts were ranked in the same order for pending appeals as of June 30, 1988 (Figure 5) and June 30, 1989 (Figure 8). The Second District reported the most pending appeals per justice – 207 – at the beginning of 1988-89 and 224 at the end of that period. The statewide average increased from 171 to 177. The First Distict was the only district to decrease, falling from 143 to 139.

Figures 5, 6, 7, and 8 *(Continued)*

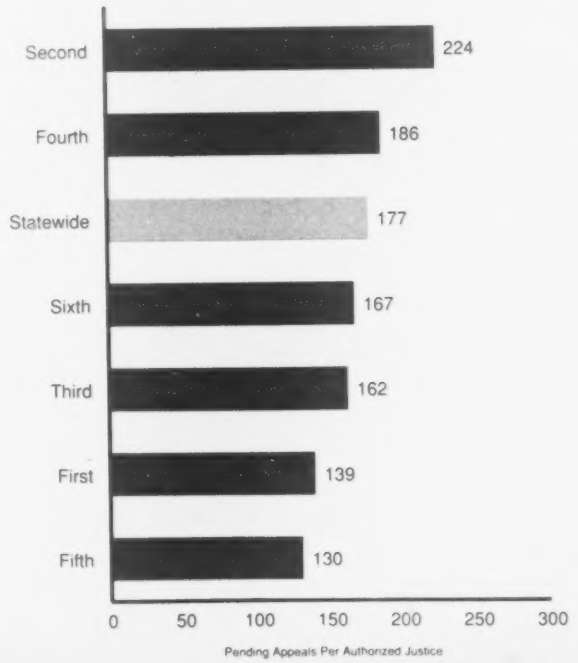
- The Second and Fourth Districts had the highest and second highest rates per authorized justice for each of the following: Pending appeals (Figures 5 and 8); Notices filed (Figure 6); and Dispositions (Figure 7).
- The Fourth District had the highest number of notices filed (Figure 6) and dispositions per authorized justice (Figure 7): 198 and 179, respectively.
- The First District had the lowest number of notices filed (Figure 6) and dispositions per authorized justice (Figure 7): 120 and 131, respectively.

FIGURE 7-Appeals Disposed With and Without Opinion Per Authorized Justice Fiscal Year 1988-89



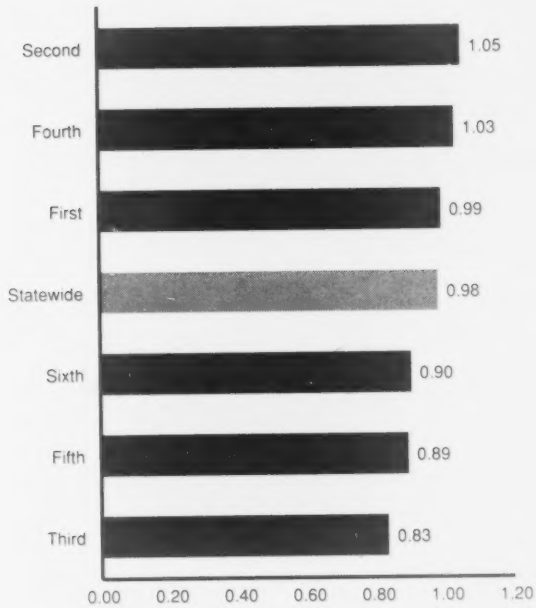
SOURCE: TABLE 2 (C)/(E)

FIGURE 8-Pending Appeals Per Authorized Justice With Notice Filed As of June 30, 1989



SOURCE: TABLE 2 (D)/(E)

FIGURE 9-Ratio of Judge Equivalents to Authorized Justices Fiscal Year 1988-89



SOURCE: TABLE 2 (F)-(E)

Figure 9

- Temporary (assigned) justices generally are not as productive as Court of Appeals regular justices, but it is impossible to quantify the difference based on judge-equivalents. A court with vacant judgeships filled temporarily by assigned justices may, therefore, be at a disadvantage in a comparison with a court without vacancies.
- The statewide ratio of judge-equivalents to authorized justices in 1988-89 was .98. Only 2 percent of authorized positions were unfilled by permanent or temporary justices. However, individual districts had ratios well below the statewide average.
- The Third District had the lowest ratio with .83 judge-equivalents per authorized justice in 1988-89. This was due to unfilled vacancies for most of the year.
- The Fifth and Sixth Districts also had low ratios of judge-equivalents to authorized justices with .89 and .90, respectively.
- The Second District had the highest ratio with 1.05 judge-equivalents per authorized justice.

Courts of Appeal
Table 2

Data Supporting Caseload Comparisons Fiscal Year 1988-89

District	*Pending appeals as of 6/30/88* (A)	*Notices filed in FY 1988-89* (B)	*Total appeals disposed in FY 1988-89* (C)	*Pending appeals as of 6/30/89* (D)	*Number of authorized justices* (E)	*Full-time judge equivalents* (F)
First	2,724	2,289	2,498	2,641	19	18.9
Second	5,380	4,878	4,487	5,826	26	27.2
Third	1,486	1,511	1,411	1,622	10	8.3
Fourth	3,312	3,557	3,220	3,344	18	18.6
Fifth	1,156	1,195	1,343	1,173	9	8.0
Sixth	970	863	927	999	6	5.4
State Total	**15,028**	**14,293**	**13,886**	**15,605**	**88**	**86.4**

(A) Includes appeals for which the record has not been filed.
(C) Includes appeals for which the record has not been filed.
(D) Includes appeals for which the record has not been filed. Column (D) should equal (A) + (B) - (C). Discrepancies are attributable to reactivated cases (due to appeals or remands) and data entry inconsistencies.
(E) Authorized justices as of June 30, 1989.
(F) "Full-time judge equivalent" includes a court's regular number of judges plus the time reported for judges assigned to the court, minus the time reported for assignments of the court's regular members to another court and for extended absence.

FIGURE 10-Civil and Criminal Appeals Filed in All Districts Fiscal Years 1979-80 through 1988-89

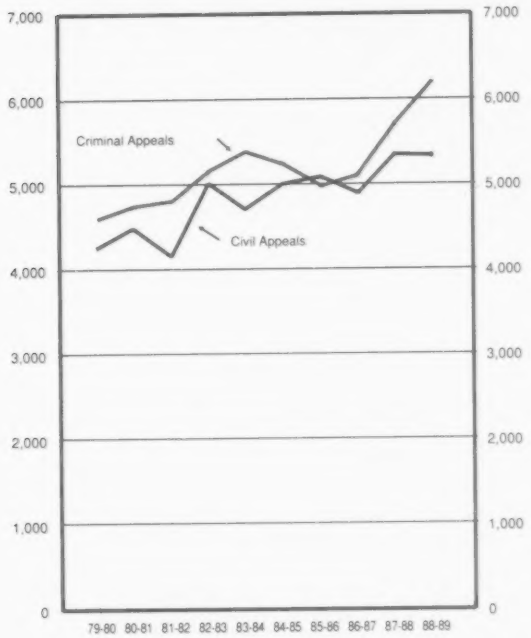


FIGURE 11-Civil and Criminal Original Proceedings Filed in All Districts Fiscal Years 1979-80 through 1988-89

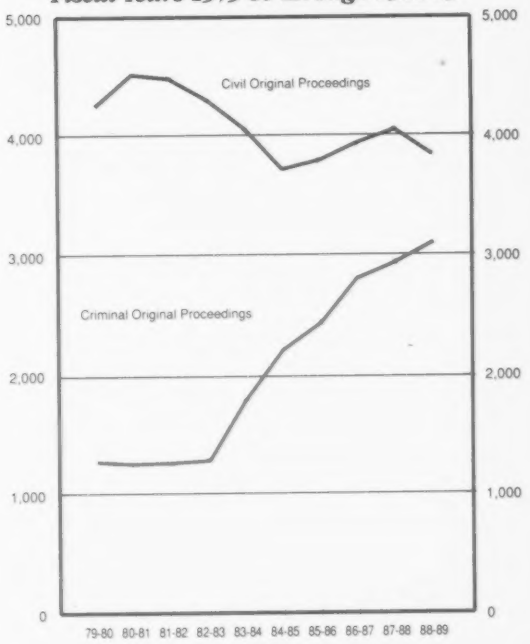
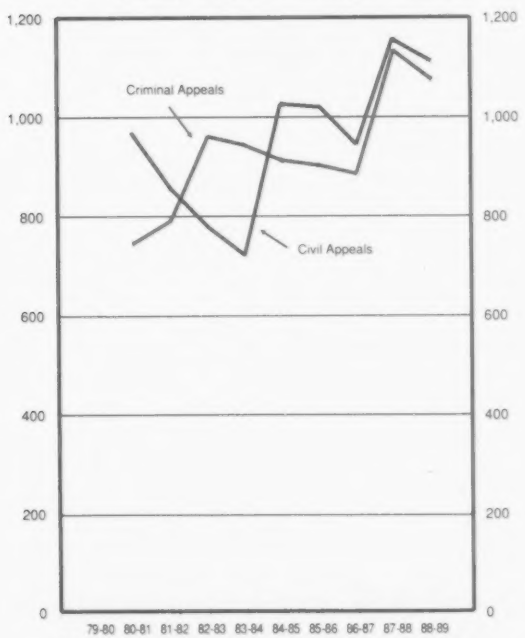
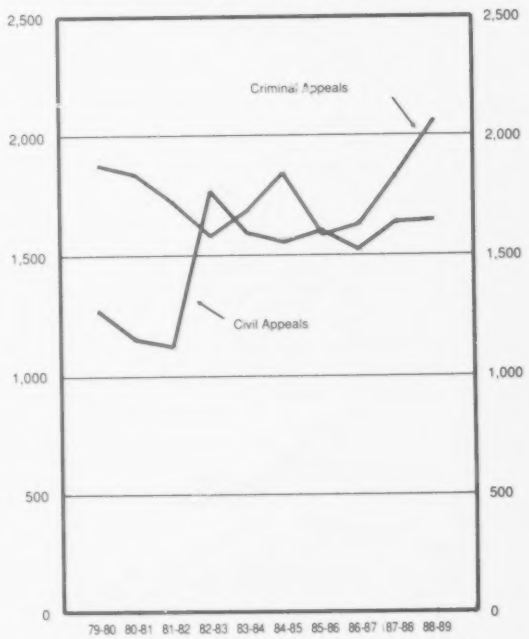


FIGURE 12-Civil and Criminal Appeals Filed in the First District * Fiscal Years 1980-81 through 1988-89



* Prior to November 19, 1984, appeals from Monterey, San Benito, Santa Clara, and Santa Cruz counties were processed by the First District. Since November 19, 1984, appeals from these counties have been processed by the Sixth District. This figure excludes all appeals from Monterey, San Benito, Santa Clara, and Santa Cruz counties, including the period when these counties were part of the First District.

FIGURE 13-Civil and Criminal Appeals Filed in the Second District * Fiscal Years 1979-80 through 1988-89



* County of San Luis Obispo was transferred from the Fifth District to the Second District on November 18, 1982.

FIGURE 14-Civil and Criminal Appeals Filed in the Third District Fiscal Years 1979-80 through 1988-89

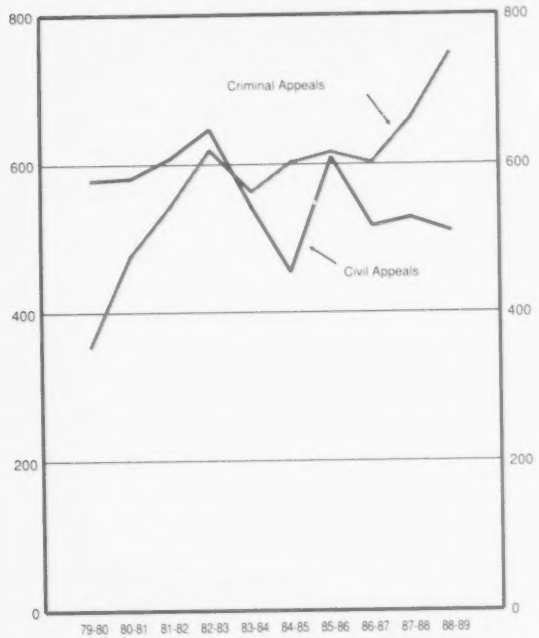


FIGURE 15-Civil and Criminal Appeals Filed in the Fourth District Fiscal Years 1979-80 through 1988-89

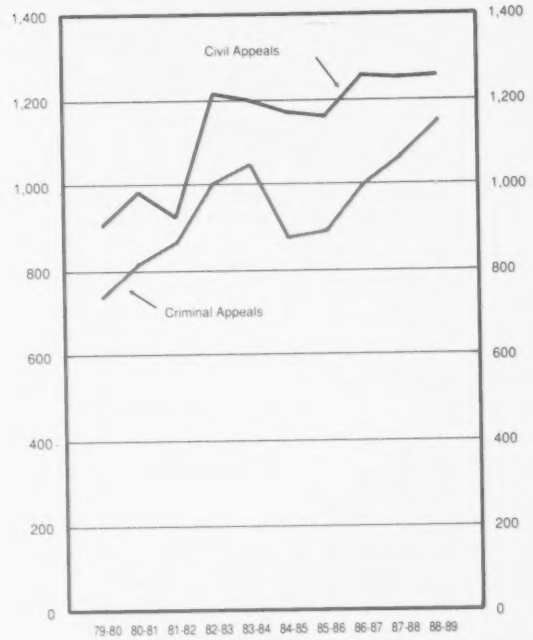
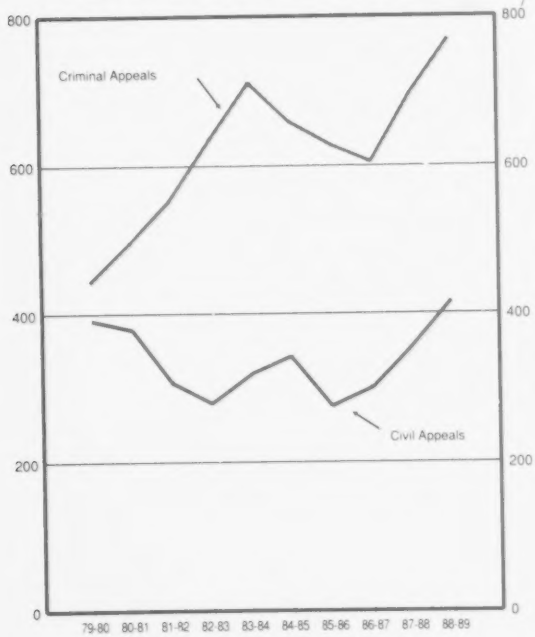
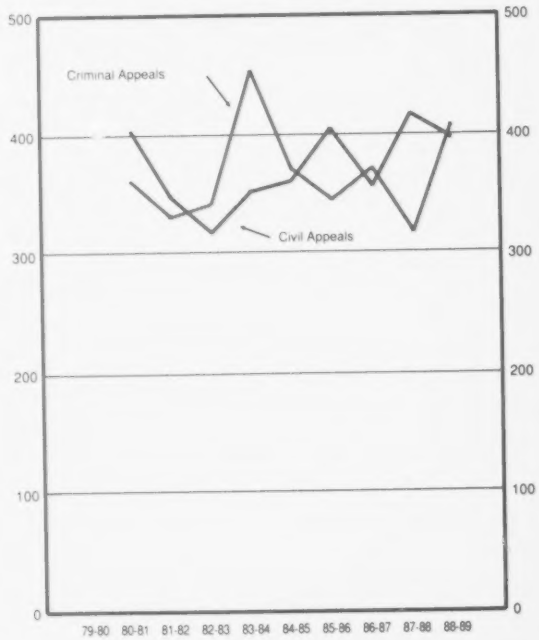


FIGURE 16-Civil and Criminal Appeals Filed in the Fifth District * Fiscal Years 1979-80 through 1988-89



* County of San Luis Obispo was transferred from the Fifth District to the Second District on November 18, 1982.

FIGURE 17-Civil and Criminal Appeals Filed in the Sixth District * Fiscal Years 1980-81 through 1988-89



* The Sixth District began operation on November 19, 1984. This figure includes appeals filed in the Sixth District's counties (Monterey, San Benito, Santa Clara, and Santa Cruz) before the District began operating. Prior to November 19, 1984, appeals filed in these counties were processed by the First District.

Courts of Appeal
Table 3

Summary of Filings (Contested Matters Only) (Including Transfers from Supreme Court) Fiscal Years 1979-80 through 1988-89

Year	Total contested matters (A)	Appeals			Original proceedings		
		Total (B)	Civil (C)	Criminal (D)	Total (E)	Civil (F)	Criminal (G)
1979-80	14,374	8,835	4,249	4,586	5,539	4,260	1,279
1980-81	14,972	9,196	4,466	4,730	5,776	4,520	1,256
1981-82	14,699	8,960	4,152	4,808	5,739	4,492	1,247
1982-83	15,735	10,140	5,003	5,137	5,595	4,300	1,295
1983-84	15,956	10,118	4,720	5,398	5,838	4,050	1,788
1984-85	16,190	10,252	4,997	5,255	5,938	3,732	2,206
1985-86	16,269	10,035	5,066	4,969	6,234	3,794	2,440
1986-87	16,717	9,985	4,892	5,093	6,732	3,929	2,803
1987-88	18,045[r]	11,040[r]	5,336[r]	5,704[r]	7,005	4,063	2,942
1988-89	**18,508**	**11,542**	**5,332**	**6,210**	**6,966**	**3,857**	**3,109**

(A) (B) + (E). "Contested Matters" means all appeals and original proceedings; it excludes motions to dismiss on clerk's certificate, rehearings and miscellaneous orders, which do not significantly add to the court's workload.
(B) (C) + (D).
(C) Records Filed.
(D) Records Filed.
(E) (F) + (G).
r Revised.

Courts of Appeal
Table 4

Relationship Between Contested Superior Court Dispositions and Appeals Filed Fiscal Years 1979-80 through 1988-89

	Civil			*Criminal*		
Year	*Superior court contested dispositions* (A)	*Courts of Appeal records filed* (B)	*Appeals per 100 contested dispositions* (C)	*Superior court convictions after contested trial* (D)	*Courts of Appeal records filed* (E)	*Appeals per 100 convictions after contested trial* (F)
1979-80	25,342	4,249	16.8	4,156	4,586	110.3
1980-81	26,698	4,466[r]	16.7	4,290	4,730	110.3
1981-82	26,798	4,152	15.5	4,660	4,808	103.2
1982-83	24,573	5,003	20.4	4,796	5,137	107.1
1983-84	26,101	4,720	18.1	4,271	5,398	126.4
1984-85	31,737	4,997	15.7	3,790	5,255	138.7
1985-86	32,141	5,066	15.8	3,956	4,969	125.6
1986-87	32,813[r]	4,892	14.9[r]	4,152	5,093	122.7
1987-88	26,079[r]	5,336[r]	20.5[r]	4,661[r]	5,704 [r]	122.4[r]
1988-89	**25,143**	**5,332**	**21.2**	**4,965**	**6,210**	**125.1**

(A) Sum of Probate & Guardianship, Family Law, Personal Injury, death and property damage, Eminent Domain, Other Civil. Based on numbers in Superior Court Table 3.
(B) From Courts of Appeal Table 3.
(C) [(B) / (A)] x 100.
(D) Based on Superior Court Table 15 in 1988-89 Annual Data Reference.
(E) From Courts of Appeal Table 3.
(F) [(E) / (D)] x 100. This does not reflect the percentage of appealable dispositions actually appealed. We cannot track individual cases from the superior to appellate courts. The superior court dispositions exclude convictions on pleas of guilty, some of which are appealable. The superior court dispositions include nonappealable acquittals. Also, superior courts count each defendant as a single disposition while the appellate courts count one filing per case even if several defendants are joined in the appeal.
r Revised.

Summary of Dispositions
Fiscal Years 1979-80 through 1988-89

Year	Total dispositions (A)	Total dispositions by written opinion (B)	Appeals: By written opinion (C)	Appeals: Without opinion, record filed (D)	Appeals: Without opinion, no record filed (E)	Original proceedings: By written opinion (F)	Original proceedings: Without opinion (G)
1979-80	15,005	6,659	6,175	2,248	1,257	484	4,841
1980-81	15,732	7,166	6,633	2,105	1,259	533	5,202
1981-82	15,811	7,786	7,280	1,982	1,327	506	4,716
1982-83	16,363	7,705	7,232	2,027	1,337	473	5,294
1983-84	16,916	8,509	7,954	1,776	1,268	555	5,363
1984-85	19,479	8,599	8,051	2,109	3,226	548	5,545
1985-86	19,677	9,428	8,814	1,927	2,253	614	6,069
1986-87	19,647	8,974	8,420	2,202	2,249	554	6,222
1987-88	20,827[r]	8,741[r]	8,142[r]	2,435	2,916	599	6,735
1988-89	**20,956**	**9,483**	**8,806**	**2,389**	**2,691**	**677**	**6,393**

(A) (C) + (D) + (E) + (F) + (G).
(B) (C) + (F).
r Revised.

Courts of Appeal
Table 6

Civil Appeals Disposed Without Opinion After Record Filed Fiscal Years 1979-80 through 1988-89

District	*1979-80*	*1980-81*	*1981-82*	*1982-83*	*1983-84*	*1984-85*	*1985-86*	*1986-87*	*1987-88*	***1988-89***
First	314	358	371	365	272	188[a]	247	307	277	**292**
Second	376	346	372	414	510	473	424	463	468	**505**
Third	247	262	226	273	132	182	201	199	182[r]	**154**
Fourth	249	251	234	270	245	300	314	372	342	**386**
Fifth	129	139	145	103	68	74	77	84	74	**98**
Sixth	-	-	-	-	-	35	71	85	155	**87**
State Total	**1,315**	**1,356**	**1,348**	**1,425**	**1,227**	**1,252**	**1,334**	**1,510**	**1,498**	**1,522**
Percentage (of Total Civil Appeals Disposed After Record Filed)[b]										
First	30%	40%	31%	28%	23%	19%	20%	23%	25%	**28%**
Second	30	27	27	31	28	28	26	28	28	**28**
Third	45	42	38	43	24	36	39	40	31[r]	**30**
Fourth	26	26	23	26	21	29	26	29	28	**32**
Fifth	42	43	38	27	21	24	26	27	23	**27**
Sixth	-	-	-	-	-	20	26	33	44	**29**
State Total	**32%**	**33%**	**30%**	**30%**	**24%**	**27%**	**26%**	**28%**	**29%**	**29%**

a "Civil appeals disposed of without opinion" has been used to estimate number of appeals dismissed, even though the total also includes other matters, such as transfers, which are usually few in number. In 1984-85, however, 225 civil appeals were transferred from the First District to the Sixth District when it began operating. This amount is excluded from the table figure.

b Civil appeals disposed without opinion after record filed divided by total civil appeals disposed after record filed (with and without opinion).

r Revised.

Courts of Appeal
Table 7

Outcome of Criminal Appeals Terminated by Written Opinion Fiscal Year 1988-89

	Appeals by defendants		*Appeals by prosecution*	
	Number (A)	*Percent* (B)	*Number* (C)	*Percent* (D)
Total cases	4,943	100.0%	124	100.0%
Affirmed in full	3,978	80.5	39	31.5
Affirmed with modifications	683	13.8	8	6.5
Total affirmed	4,661	94.3	47	37.9
Reversed for expected retrial	239	4.8	73	58.9
Reversed, no retrial possible	17	0.3	0	0.0
Dismissed	26	0.5	4	3.2

(B) Percentages may not add to total due to rounding.
(D) Percentages may not add to total due to rounding.

Courts of Appeal
Table 8

Percentage of Majority Opinions Published Fiscal Year 1988-89

Courts of Appeal	*Total*	*Civil appeals*	*Criminal appeals*	*Original proceedings*
State Total	**12%**	**16%**	**6%**	**32%**
First District	14	18	8	34
Division One	12	12	11	70
Division Two	16	23	9	29
Division Three	14	20	7	27
Division Four	14	16	8	50
Division Five	12	18	4	57
Second District	12	17	4	37
Division One	6	9	2	20
Division Two	8	11	4	22
Division Three	14	19	3	41
Division Four	13	20	3	56
Division Five	13	19	5	44
Division Six	11	17	5	37
Division Seven	16	25	5	29
Third District	10	13	5	30
Fourth District	11	14	7	24
Division One	14	21	9	19
Division Two	6	9	4	30
Division Three	11	11	8	29
Fifth District	13	19	9	29
Sixth District	13	16	7	44

Courts of Appeal
Table 9

Time to Filing of Opinion
Median Time in Months
Quarter Ending June 30, 1989

Courts of Appeal	*Notice of appeal to filing of opinion*		*Ready for calendar to filing of opinion*	
	Civil (A)	*Criminal* (B)	*Civil* (C)	*Criminal* (D)
First District				
Division One	17	16	7	6
Division Two	19	15	10	5
Division Three	18	15	5	3
Division Four	16	11	4	2
Division Five	14	13	3	3
Second District				
Division One	17	15	2	2
Division Two	14	15	2	2
Division Three	15	16	2	2
Division Four	13	14	1	2
Division Five	19	17	4	4
Division Six	14	13	4	4
Division Seven	14	13	2	2
Third District	14	13	6	5
Fourth District				
Division One	14	13	5	5
Division Two	17	14	6	5
Division Three	21	20	12	10
Fifth District	13	13	5	5
Sixth District	17	13	8	7

(A) Includes Juvenile appeals.
(C) Includes Juvenile appeals.

CHAPTER 7

SUPERIOR COURTS

During fiscal year 1988-89, the number of civil cases awaiting trial (cases in which at-issue memoranda were filed) in superior courts continued to decline, primarily as a result of the success of delay reduction programs.

The total number of civil cases awaiting trial in the state decreased 7 percent – the lowest level in a decade. Total civil cases awaiting trial in the mandatory delay reduction program courts decreased 8 percent from the previous year.

Overall during the year, superior court filings increased by 3 percent to a new high of 944,252 cases. This increase in filings was more than double the preceding year increase.

Cases filed during the last fiscal year included 639,000 civil filings, 136,000 juvenile filings and 132,000 criminal filings.

The number of filings grew substantially in criminal, juvenile, and other civil petition cases of the 12 major categories. These filings increased 15, 9 and 4 percent, respectively. Civil filings overall decreased slightly.

Superior courts disposed 777,323 cases, a 5 percent rise over the previous year. In 1987-88, dispositions of these cases increased only 3 percent.

The largest percent increases in disposed cases occurred in eminent domain, personal injury, criminal, and other civil complaint cases. These rose 41, 14, 12 and 9 percent, respectively, over cases filed the previous fiscal year.

Fewer family law, mental health, habeas corpus and appeals from lower court cases (although the decreases were small) were disposed in fiscal year 1988-89 than in the previous year.

The following judicial statistics on superior courts include performance indicators followed by general statistical information provided in tables and charts of selected data historically included in the Annual Report. The tables and charts for the superior courts have been renumbered as Tables 2 through 18 and Figures 3 through 16. In addition, Tables 8 and 12 and Figures 4, 13 and 16 are new.

Performance Indicators

Performance indicators appear in the bar charts according to the number of judicial positions in each court. The courts are arranged into groups with similar numbers of judicial positions. It cannot be assumed the courts are comparable in other respects.

The charts (Figures 1A through 2D) represent total cases awaiting trial and total dispositions per judicial position for each court. Table 1 contains supporting information for the charts.

Each chart also includes the group average for the listed courts and the statewide average for the category.

Table 1 lists the number of judicial positions in each court and provides statistics on total cases awaiting trial,[1] filings, dispositions, contested trials, and jury trials per judicial position.

A numerical statewide rank is indicated alongside the statistics. The statistics are ranked from high value (1) to low value. Group rankings are not listed, but may readily be discerned from the charts.

Superior Courts Profile

Superior courts are California's trial courts of general jurisdiction. They are sometimes called the trial courts of residual jurisdiction because they accept all matters except those statutorily given to other trial courts.

Superior courts sit as probate courts, juvenile courts and conciliation courts. In addition, these courts have trial jurisdiction over all felony cases and all civil matters above the $25,000 jurisdiction of municipal and justice courts. Superior courts also handle cases asking for special relief, such as an injunction or a declaratory order.

Each of California's 58 counties has a superior court. Case workload determines the number of judges as fixed by the Legislature. The number in each court ranges from one in sparsely-populated counties to more than 200 in Los Angeles County, reaching a total 788 judges statewide as of June 30, 1989.

Superior court judges serve six-year terms and are elected by county voters on a nonpartisan ballot at a general election.

Vacancies are filled by appointment of the Governor. A superior court judge must be an attorney admitted to practice law in California or have served as a judge of a court of record in this state for a least 10 years immediately preceding election or appointment.

Superior courts also hear appeals from decisions of municipal and justice courts. All appeals, other than those in small claims cases, are heard by a three-judge panel of the appellate department in each county and are governed by rules adopted by the Judicial Council. Appeals also may be transferred to the Courts of Appeal.

1 These statistics are meant to complement the "number of civil cases awaiting trial" statistics (see Table 13) that are calculated per authorized judge rather than per judicial position.

Figure 1-A

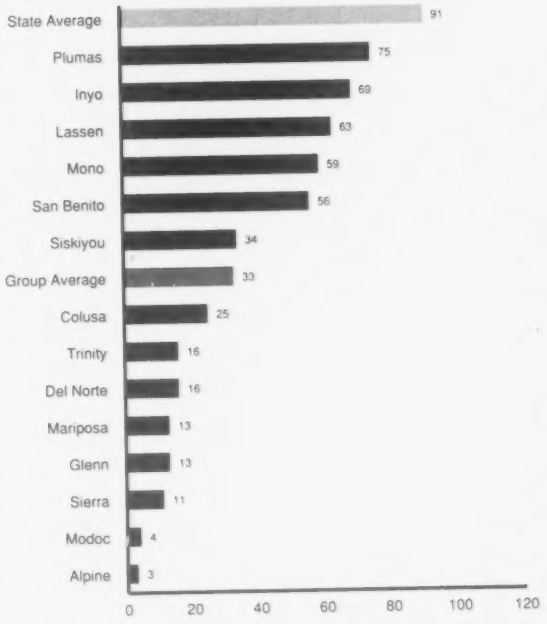
- Of the 14 superior courts with one judicial position having data available, more than three-fourths (11) reported fewer than 60 cases awaiting trial per judicial position.[2]
- Three courts, Plumas, Inyo and Lassen, reported 60 or more cases awaiting trial per judicial position, but no court in this group reported more than the statewide average of 91 cases awaiting trial per position.[2]
- Because of the high number of courts with few pending cases, this group average of 33 cases was the lowest of all four superior court groups.

Figure 1-B

- Of the 13 courts with two to three judicial positions having data available, over half (7), reported fewer than 60 pending cases in backlog.
- Two courts, Napa and Madera, reported the highest backlogs in this group, but the figures were barely over 100 cases per judicial position.
- Because of the high number of courts with low backlog, the group average per judicial position was the second smallest of the four groups.

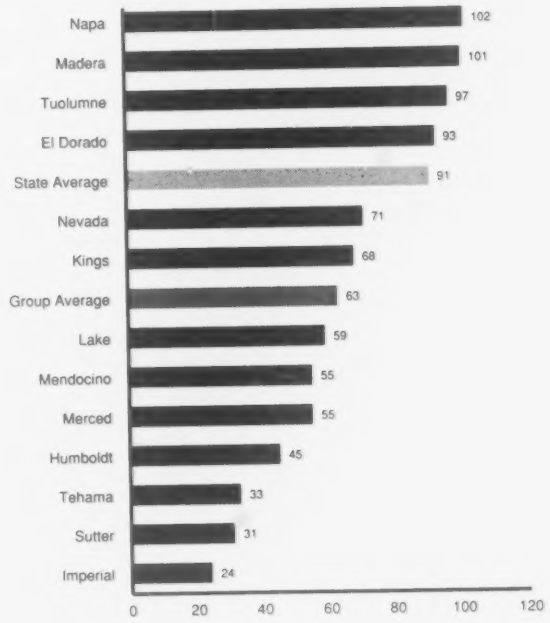
2 The 60 and 100 cases levels were selected arbitrarily for basis of comparing courts in the four groups.

FIGURE 1-A-For Superior Courts with One Judicial Position Total Cases Awaiting Trial Per Position At the End of Fiscal Year 1988-89



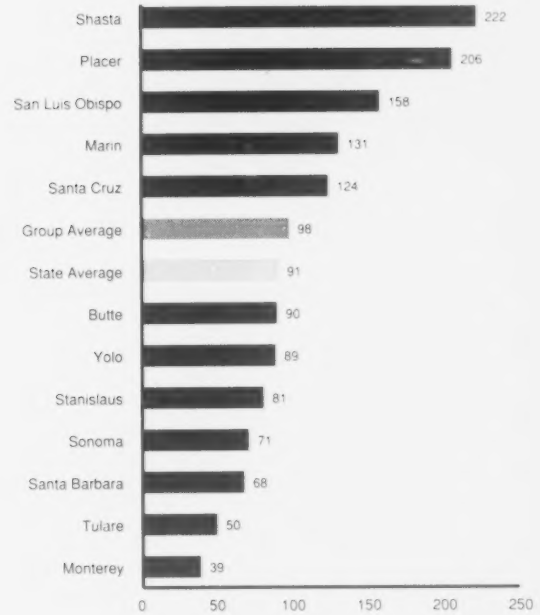
SOURCE: TABLE 1

FIGURE 1-B-For Superior Courts with Two to Three Judicial Positions Total Cases Awaiting Trial Per Position At the End of Fiscal Year 1988-89



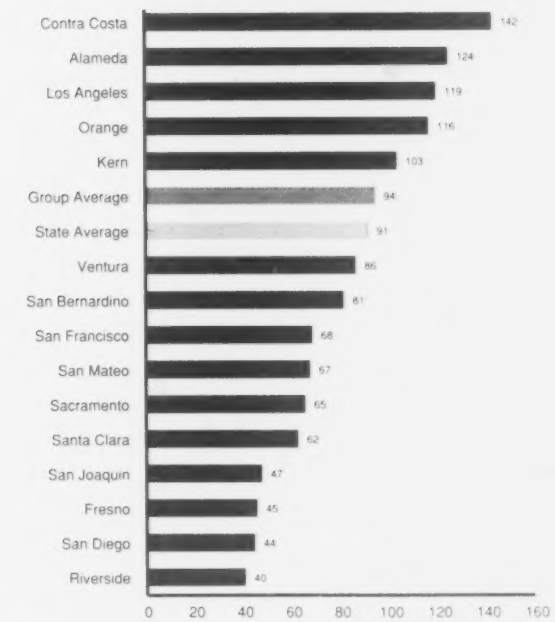
SOURCE: TABLE 1

FIGURE 1-C-For Superior Courts with Four to Ten Judicial Positions Total Cases Awaiting Trial Per Position At the End of Fiscal Year 1988-89



SOURCE: TABLE 1

FIGURE 1-D-For Superior Courts with Eleven or More Judicial Positions Total Cases Awaiting Trial Per Position At the End of Fiscal Year 1988-89



SOURCE: TABLE 1

Figure 1-C

- Of the 12 superior courts with four to 10 judicial positions having data available, only one-sixth (2), reported fewer than 60 cases awaiting trial per position.
- Five superior courts, Shasta, Placer, San Luis Obispo, Marin and Santa Cruz reported more than 100 cases awaiting trial per judicial position. The figures reported by the first three courts were the highest in the state. Each averaged over 150 cases per judicial position.
- This group had the highest average pending caseload of all four groups with 98 cases awaiting trial per judicial position.

Figure 1-D

- Of the 15 superior courts with 11 or more judicial positions, four had fewer than 60 cases awaiting trial per position.
- Five courts, Contra Costa, Alameda, Los Angeles, Orange and Kern, reported backlogs exceeding 100 cases per position.
- Superior courts with 11 or more judicial positions had the group average closest to the statewide average.

Figure 2-A

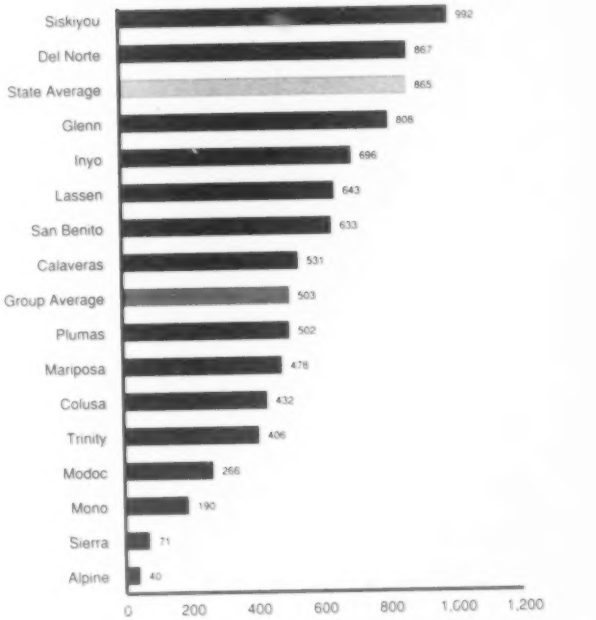
- In this group, only the Siskiyou court disposed 900 or more cases per judicial position.[3] Almost two-thirds or nine courts disposed fewer than 600 cases per position. These courts were located in the less populated counties and had small number of filings.
- This group had the lowest average of 503 dispositions per position of the four groups.

Figure 2-B

- Over half (8) of the 14 superior courts with two to three judicial positions reported 900 or more dispositions per judicial position, including the Merced court with the highest average of 1,430 dispositions per judicial position in the state.
- Only two courts reported fewer than 600 dispositions per judicial position.
- This group's disposition average of 908 was the second highest among the four groups.

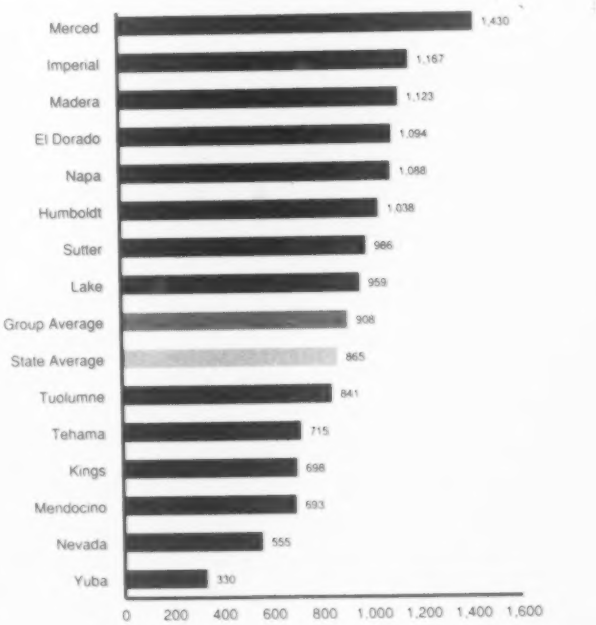
3 The 600 and 900 case levels were selected arbitrarily for basis of comparing courts in the four groups.

FIGURE 2-A-For Superior Courts with One Judicial Position Total Dispositions Per Position Fiscal Year 1988-89



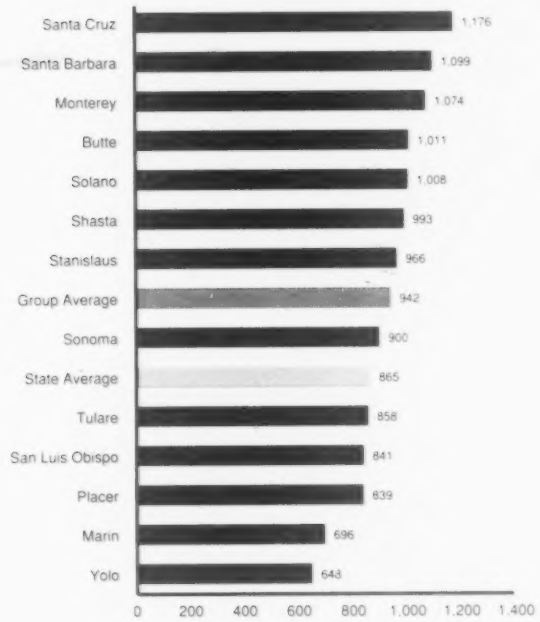
SOURCE: TABLE 1

FIGURE 2-B-For Superior Courts with Two to Three Judicial Positions Total Dispositions Per Position Fiscal Year 1988-89



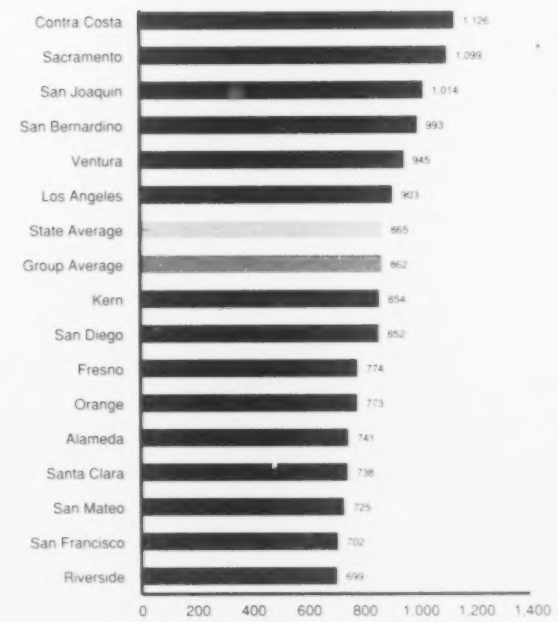
SOURCE: TABLE 1

FIGURE 2-C-For Superior Courts with Four to Ten Judicial Positions Total Dispositions Per Position Fiscal Year 1988-89



SOURCE: TABLE 1

FIGURE 2-D-For Superior Courts with Eleven or More Judicial Positions Total Dispositions Per Position Fiscal Year 1988-89



SOURCE: TABLE 1

Figure 2-C

- Superior courts with four to 10 judicial positions reported the highest group average of the four groups with 942 cases disposed per judicial position.
- Almost two-thirds (8) of the courts had 900 or more dispositions per judicial positions, including the Santa Cruz court with the second highest disposition per judicial position in the state.
- No courts with four or more judicial positions reported having 600 or less dispositions per judicial position.

Figure 2-D

- The average of 862 dispositions per judicial position for superior courts with 11 or more judicial positions was approximately the same as the statewide average, but lower than the average for the groups with two to three, and four to 10, judicial positions.
- Of the 15 courts in this group, two-fifths (6) reported dispositions of more than 900 per judicial position. The other 9 courts reported less than this number, but all exceeded 600 dispositions per judicial position.

Superior Court
Table 1

Total Cases Awaiting Trial, Filings, Dispositions, Contested Trials, And Jury Trials per Judicial Position Fiscal Year 1988-89

Court	Judicial positions as of 6/30/89 (A)	Cases awaiting trial: Total as of 6/30/89 (B)	Cases awaiting trial: Per judicial position	Cases awaiting trial: Rank	Filings: Total (C)	Filings: Per judicial position	Filings: Rank	Dispositions: Total (D)	Dispositions: Per judicial position	Dispositions: Rank	Contested trials: Total (E)	Contested trials: Per judicial position	Contested trials: Rank	Jury trials: Total (F)	Jury trials: Per judicial position	Jury trials: Rank
Statewide	**899**	**81,695**	**91**	**-**	**944,252**	**1,050**	**-**	**777,323**	**865**	**-**	**68,355**	**76**	**-**	**7,955**	**9**	**-**
Alameda	38	4,717	124	7	38,913	1,024	31	28,152	741	34	3,591	95	10	217	6	45
Alpine	1	3	3	54	75	75	57	40	40	57	3	3	57	3	3	56
Amador	1	i	-	-	i	-	-	i	-	-	i	-	-	i	-	-
Butte	4	358	90	15	6,117	1,529	4	4,043	1,011	13	323	81	19	66	17	7
Calaveras	1	i	-	-	979	979	37	531	531	48	84	84	14	9	9	31
Colusa	1	25	25	46	478	478	52	432	432	51	31	31	52	5	5	50
Contra Costa	20	2,842	142	4	24,926	1,246	14	22,523	1,126	4	1,450	73	27	214	11	21
Del Norte	1	16	16	48	1,068	1,068	25	867	867	24	68	68	32	11	11	20
El Dorado	3	280	93	14	4,363	1,454	7	3,281	1,094	8	194	65	35	39	13	13
Fresno	20	890	45	39	21,543	1,077	23	15,470	774	32	3,353	168	3	188	9	30
Glenn	1	13	13	50	973	973	38	808	808	31	42	42	46	9	9	32
Humboldt	3	135	45	38	4,536	1,512	5	3,114	1,038	11	243	81	18	48	16	8
Imperial	3	71	24	47	2,739	938	43	3,500	1,167	3	149	50	42	39	13	14
Inyo	1	69	69	23	938	938	43	696	696	42	76	76	23	5	5	49
Kern	17	1,751	103	10	17,719	1,042	28	14,512	854	26	1,397	82	15	251	15	10
Kings	3	204	68	26	3,317[4]	1,106	22	2,094[4]	698	40	623[4]	208	1	47[4]	16	9
Lake	2	118	59	31	1,880	940	42	1,917	959	20	145	73	28	53	27	3
Lassen	1	63	63	29	969	969	39	643	643	45	125	125	5	37	37	1
Los Angeles	293	34,981	119	8	303,723	1,037	30	264,707	903	22	22,205	76	25	2,490	8	34
Madera	2	201	101	12	3,480	1,740	2	2,246	1,123	5	362	181	2	46	23	4
Marin	7	917	131	5	7,271	1,039	29	4,874	696	41	275	39	48	54	8	37
Mariposa	1	13	13	51	491	491	50	478	478	50	17	17	55	4	4	54
Mendocino	3	165	55	34	3,142	1,047	27	2,080	693	43	136	45	44	23	8	38
Merced	3	164	55	35	5,464	1,821	1	4,291	1,430	1	208	69	30	26	9	33
Modoc	1	4	4	53	301	301	55	260	260	54	28	28	53	5	5	51
Mono	1	59	59	32	416	416	53	190	190	55	18	18	54	5	5	52
Monterey	8	315	39	42	9,774	1,222	15	8,592	1,074	10	700	88	12	100	13	15
Napa	3	307	102	11	3,513	1,171	18	3,263	1,088	9	253	84	13	29	10	25
Nevada	3	214	71	21	2,137	712	49	1,664	555	47	167	56	38	43	14	11
Orange	71	8,206	116	9	71,417	1,006	33	54,865	773	33	5,563	78	21	380	5	47
Placer	4	822	206	2	5,406	1,352	8	3,354	839	30	321	80	20	21	5	48
Plumas	1	75	75	20	811	811	47	502	502	49	76	76	24	7	7	40
Riverside	29	1,173	40	41	32,161	1,109	21	20,262	699	39	1,380	48	43	243	8	35

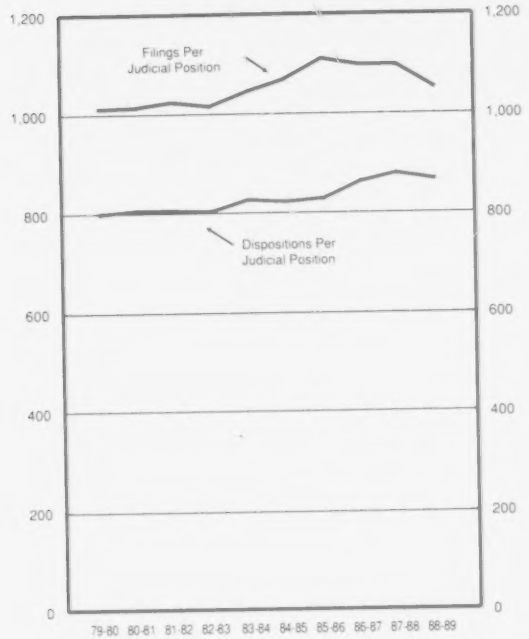
Superior Court
Table 1
(Continued)

Total Cases Awaiting Trial, Filings, Dispositions, Contested Trials, And Jury Trials per Judicial Position Fiscal Year 1988-89

		Cases awaiting trial			Filings			Dispositions			Contested trials			Jury trials		
Court	Judicial positions as of 6/30/89 (A)	Total as of 6/30/89 (B)	Per judicial position	Rank	Total (C)	Per judicial position	Rank	Total (D)	Per judicial position	Rank	Total (E)	Per judicial position	Rank	Total (F)	Per judicial position	Rank
Sacramento	34	2,208	65	28	35,653	1,049	26	37,365	1,099	6	1,790	53	41	324	10	28
San Benito	1	56	56	33	1,074	1,074	24	633	633	46	70	70	29	2	2	57
San Bernardino	32	2,603	81	18	41,409	1,294	11	31,776	993	15	2,085	65	34	252	8	36
San Diego	71	3,097	44	40	72,111	1,016	32	60,499	852	27	7,835	110	7	732	10	23
San Francisco	39	2,663	68	25	29,375	753	48	27,381	702	38	2,681	69	31	283	7	39
San Joaquin	13	609	47	37	15,501	1,192	17	13,178	1,014	12	1,067	82	16	124	10	27
San Luis Obispo	6	948	158	3	5,989	998	34	5,047	841	28	457	76	22	39	7	42
San Mateo	19	1,266	67	27	16,900	889	46	13,775	725	36	759	40	47	109	6	44
Santa Barbara	10	683	68	24	11,421	1,142	19	10,985	1,099	7	654	65	33	106	11	22
Santa Clara	47	2,908	62	30	44,845	954	40	34,700	738	35	1,776	38	49	284	6	43
Santa Cruz	5	621	124	6	6,670	1,334	9	5,879	1,176	2	287	57	37	58	12	19
Shasta	4	887	222	1	5,842	1,461	6	3,970	993	16	219	55	39	39	10	24
Sierra	1	11	11	52	126	126	56	71	71	56	14	14	56	4	4	55
Siskiyou	1	34	34	43	1,622	1,622	3	992	992	17	133	133	4	22	22	6
Solano	7	‖	-	-	9,215[‖]	1,316	10	7,059[‖]	1,008	14	716[‖]	102	8	94[‖]	13	12
Sonoma	10	707	71	22	11,333	1,133	20	8,999	900	23	444	44	45	70	7	41
Stanislaus	10	809	81	19	12,759	1,276	13	9,664	966	19	743	74	26	276	28	2
Sutter	3	94	31	45	2,976	992	35	2,959	986	18	160	53	40	29	10	26
Tehama	2	66	33	44	1,787	894	45	1,429	715	37	189	95	11	45	23	5
Trinity	1	16	16	49	402	402	54	406	406	52	36	36	51	12	12	17
Tulare	8	397	50	36	9,689	1,211	16	6,867	858	25	469	59	36	96	12	16
Tuolumne	2	194	97	13	1,884	942	41	1,682	841	29	229	115	6	9	5	53
Ventura	15	1,291	86	17	19,224	1,282	12	14,176	945	21	1,496	100	9	174	12	18
Yolo	4	356	89	16	3,945	986	36	2,591	648	44	327	82	17	38	10	29
Yuba	3	‖	-	-	1,460[‖]	487	51	989[‖]	330	53	113[‖]	38	50	17[‖]	6	46

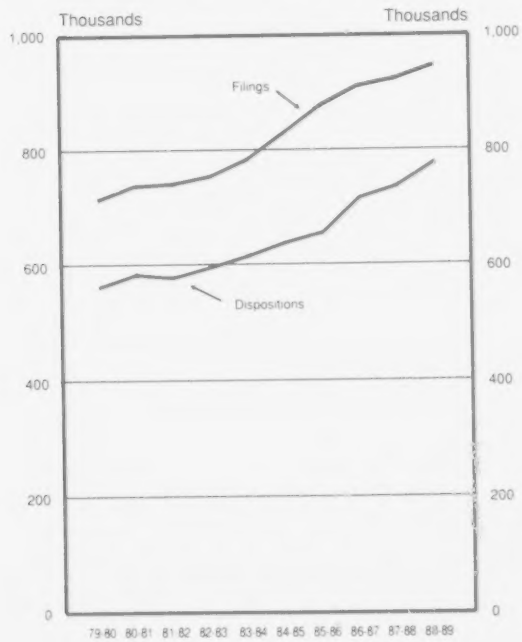
(A) Judicial positions include full-time court commissioners and referees in addition to the number of judges authorized for the court.
(B) Includes criminal and civil cases set for trial, and civil cases in which at issue memoranda have been filed but no trial date has been assigned.
(D) Excludes civil dismissals for delay in prosecution.
‖ Incomplete.

FIGURE 3-Total Filings and Dispositions Per Judicial Position Fiscal Years 1979-80 through 1988-89



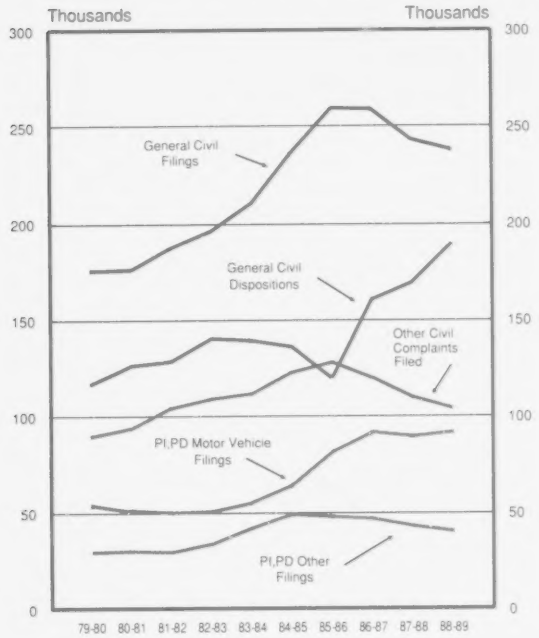
SOURCE: TABLE 2

FIGURE 4-Total Filings and Dispositions Fiscal Years 1979-80 through 1988-89



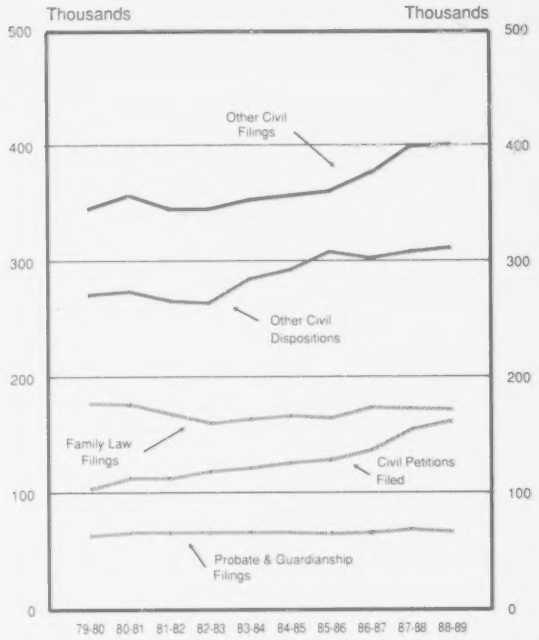
SOURCE: TABLE 2

FIGURE 5-General Civil Filings and Dispositions Fiscal Years 1979-80 through 1988-89



SOURCE: TABLE 3

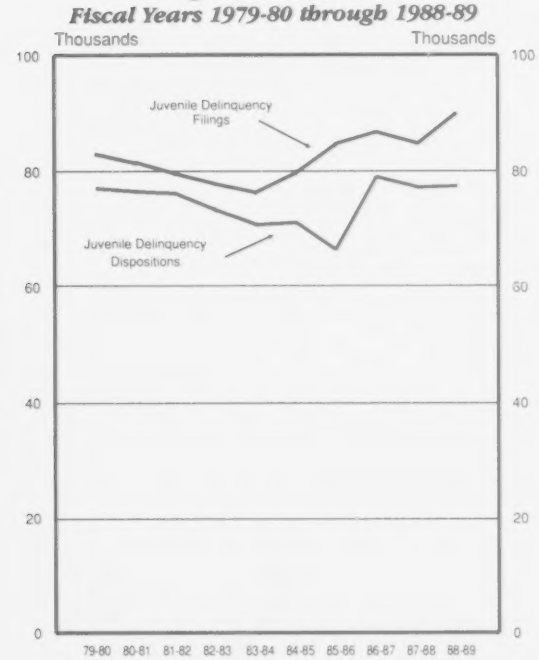
*FIGURE 6-Other Civil Filings and Dispositions * Fiscal Years 1979-80 through 1988-89*



SOURCE: TABLE 3
(C)+(D)+(J)

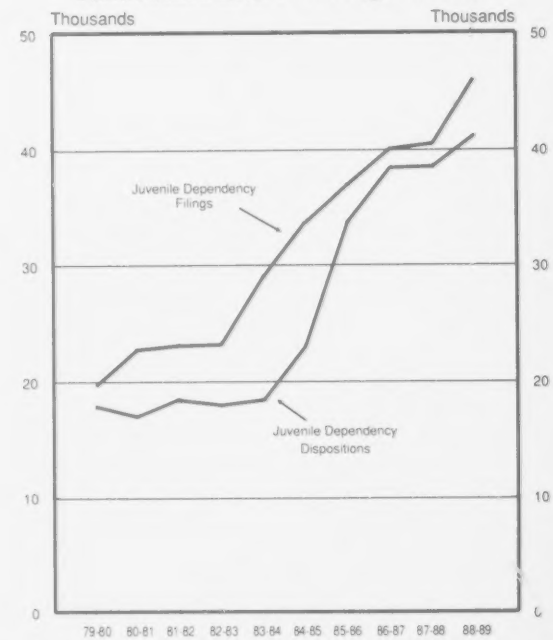
* Other civil filings are civil filings which are not general civil filings. Other civil is comprised of family law, probate and guardianship, and civil petitions.

FIGURE 7-Juvenile Delinquency Filings and Dispositions Fiscal Years 1979-80 through 1988-89



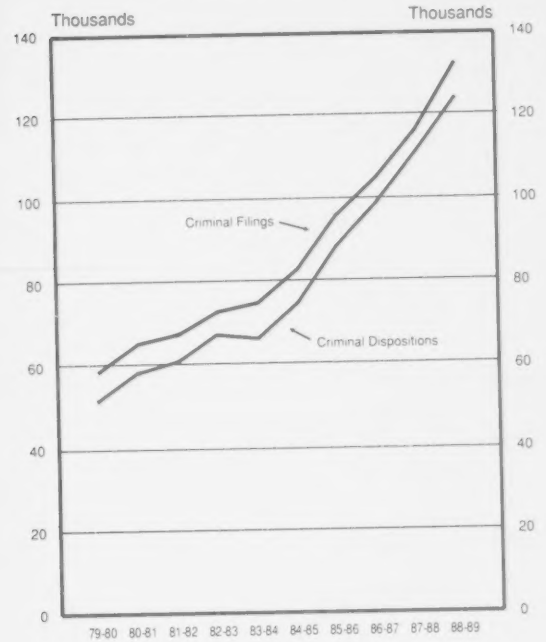
SOURCE: TABLE 4
(B)+(C)

FIGURE 8-Juvenile Dependency Filings and Dispositions Fiscal Years 1979-80 through 1988-89



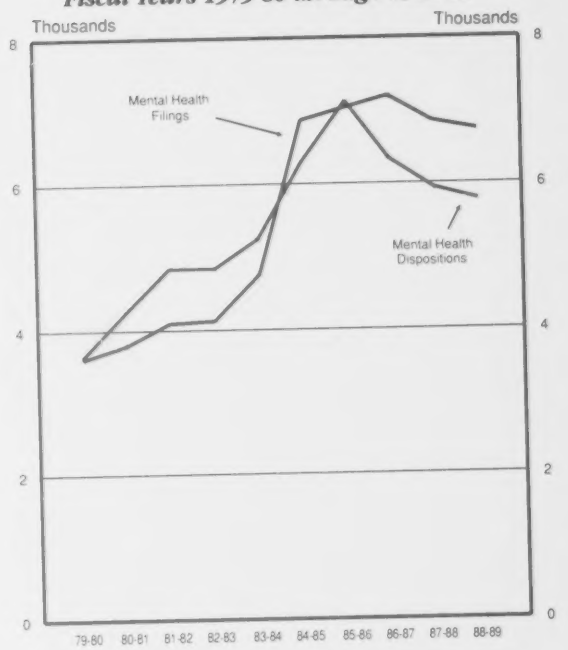
SOURCE: TABLE 4
(D)+(E)

FIGURE 9-Criminal Filings and Dispositions
Fiscal Years 1979-80 through 1988-89



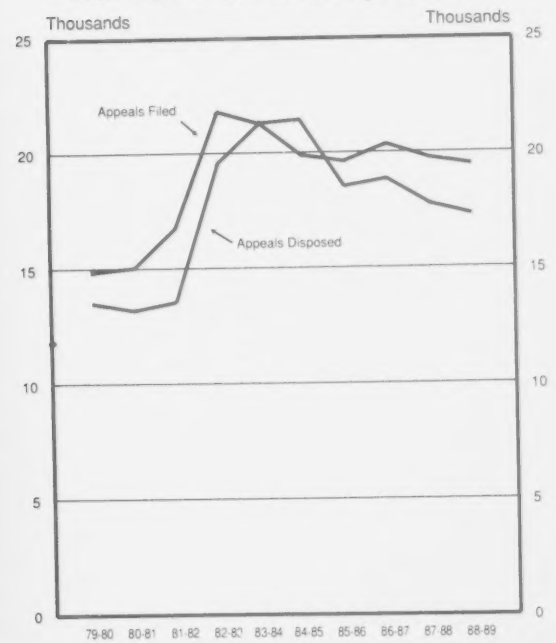
SOURCE: TABLE 4

FIGURE 10-Mental Health Filings and Dispositions
Fiscal Years 1979-80 through 1988-89



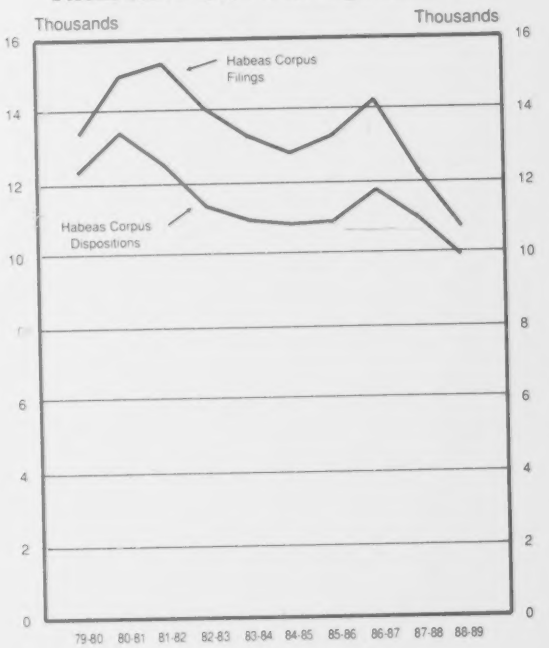
SOURCE: TABLE 4

FIGURE 11-Appeals From Lower Courts
Filings and Dispositions
Fiscal Years 1979-80 through 1988-89



SOURCE: TABLE 4
(H)+(I)

FIGURE 12-Habeas Corpus
Filings and Dispositions
Fiscal Years 1979-80 through 1988-89



SOURCE: TABLE 4
(J)+(K)

Superior Court
Table 2

Total Filings and Dispositions Per Judicial Position Fiscal Years 1979-80 through 1988-89

Fiscal year	*Total number of judicial positions* (A)	*Filings*		*Dispositions*	
		Total (B)	*Per judicial position* (C)	*Total* (D)	*Per judicial position* (E)
1979-80	705	713,476	1,012	563,521[r]	799
1980-81	725	735,219	1,014	584,316	806
1981-82	723	738,363	1,021	581,922	805
1982-83	744	753,876[r]	1,013	598,899[r]	805[r]
1983-84	748	780,863	1,044	617,225	825
1984-85	776	828,663	1,068	638,227	822
1985-86	789	876,269[r]	1,111	653,908[r]	829[r]
1986-87	828	909,969[r]	1,099	715,342	864
1987-88	839	920,524[r]	1,097	737,754[r]	879[r]
1988-89	**899**	**944,252**	**1,050**	**777,323**	**865**

(A) Judicial positions include full-time court commissioners and referees in addition to the number of judges authorized for the court.
(B) For all types of proceedings. Sum of Table 3 column (A) & Table 4 column (A).
(C) (B) / (A).
(D) Excludes civil dismissals for delay in prosecution.
(E) (D) / (A).
r Revised.

Superior Court
Table 3

Civil Filings and Dispositions
Fiscal Years 1979-80 through 1988-89

Fiscal year	Total civil (A)	General civil (B)	Probate and guardianship (C)	Family law (D)	Personal injury, death & property damage: Total (E)	Motor vehicle (F)	Other (G)	Eminent domain (H)	Other civil: Complaints (I)	Petitions (J)
Filings										
1979-80	521,068	175,080	64,408	176,279	83,271	53,733	29,538	2,509	89,300	105,301
1980-81	532,556	176,605	64,779	177,255	80,970	50,723	30,247	1,719	93,916	113,917
1981-82	532,190	186,377	64,965	167,902	80,495	50,180	30,315	1,498	104,384	112,946
1982-83	540,564	195,462	65,429	161,391	85,509	51,560	33,949	1,208	108,745	118,282
1983-84	561,916	209,671	65,712	164,565	96,731	55,297	41,434	1,138	111,802	121,968
1984-85	593,120	235,519	66,786	165,613	112,335	63,929	48,406	1,319	121,865	125,202
1985-86	619,630	260,013	66,287	163,962	130,347	82,317	48,030	2,080	127,586	129,368
1986-87	636,747	258,934	66,207	173,146	137,458	90,840	46,618	1,516	119,960	138,460
1987-88	641,346[r]	243,505[r]	68,478	173,252	132,379	89,667	42,712[r]	2,028	109,098[r]	156,111
1988-89	**639,240**	**238,183**	**67,242**	**171,120**	**131,900**	**91,185**	**40,715**	**2,161**	**104,122**	**162,695**
Dispositions[a]										
1979-80	387,862	117,291	61,084	145,801	62,224	41,158	21,066	1,257	53,810	63,686
1980-81	401,765	126,714	61,780	146,660	69,014	46,387	22,627	1,090	56,610	66,611
1981-82	395,317	128,819	60,513	140,126	69,984	46,406	23,578	808	58,027	65,859
1982-83	404,702	139,891	62,186	135,454	74,397	49,700	24,697	893	64,601	67,171
1983-84	424,069	139,305	62,936	142,936	73,544	46,156	27,388	490	65,271	78,892
1984-85	430,938	136,277	62,832	148,137	69,520	41,247	28,273	598	66,159	83,692
1985-86	428,827	120,322	64,880	160,952	80,634	45,911	34,723	1,208	38,480	82,673
1986-87	462,286	159,979	60,037	160,362	93,478	58,283	35,195	733	65,768	81,908
1987-88	476,496	168,489	62,321	147,022	103,824	66,487	37,337	789	63,876	98,664
1988-89	**501,178**	**188,926**	**62,509**	**144,717**	**118,280**	**75,078**	**43,202**	**1,113**	**69,533**	**105,026**
Dispositions per 100 filings										
1979-80	74	67	95	83	75	77	71	50	60	60
1980-81	75	72	95	83	85	91	75	63	60	58
1981-82	74	69	93	83	87	92	78	54	56	58
1982-83	75	72	95	84	87	96	73	74	59	57
1983-84	75	66	96	87	76	83	66	43	58	65
1984-85	73	58	94	89	62	65	58	45	54	67
1985-86	69	46	98	98	62	56	72	58	30	64
1986-87	73	62	91	93	68	64	75	48	55	59
1987-88	74	69	91	85	78	74	87	39	59	63
1988-89	**78**	**79**	**93**	**85**	**90**	**82**	**106**	**52**	**67**	**65**

(A) (B) + (C) + (D) + (J)
(B) (E) + (H) + (I)
(E) (F) + (G)
a Excludes civil dismissals for delay in prosecution.
r Revised.

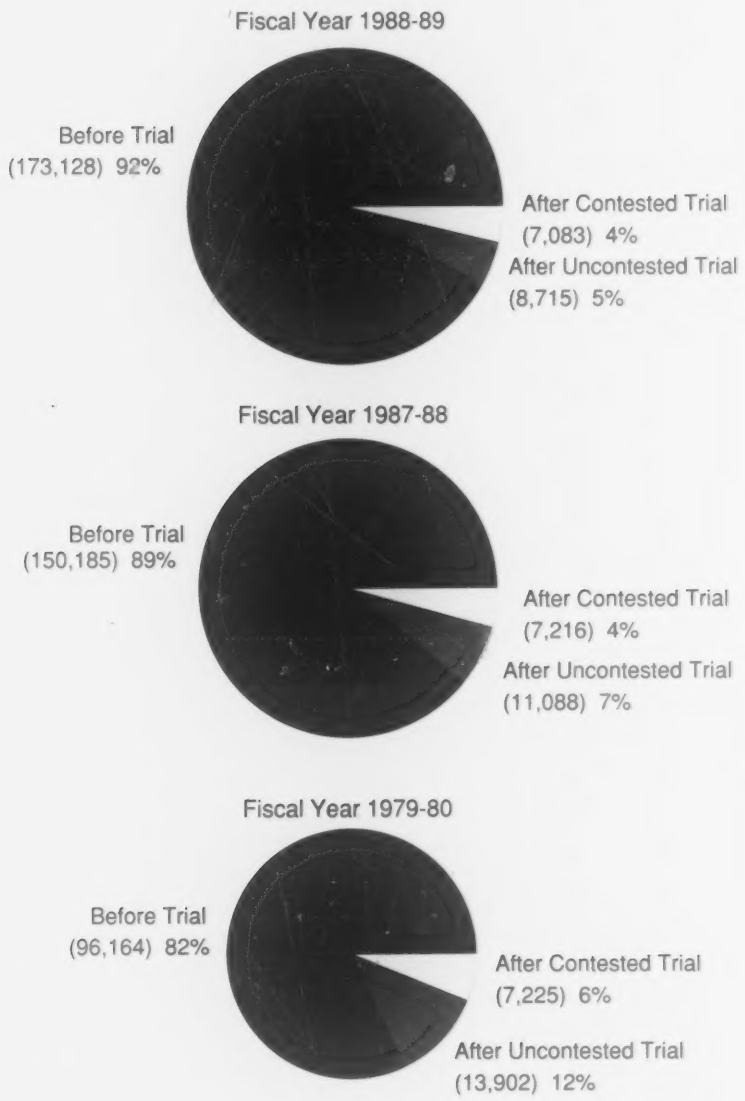
Superior Court
Table 4

Non-Civil Filings and Dispositions
Fiscal Years 1979-80 through 1988-89

Fiscal year	Total non-civil (A)	Juvenile delinquency: Original (B)	Juvenile delinquency: Subsequent (C)	Juvenile dependency: Original (D)	Juvenile dependency: Subsequent (E)	Criminal (F)	Mental health (G)	Appeals from lower courts: Civil (H)	Appeals from lower courts: Criminal (I)	Habeas corpus: Criminal (J)	Habeas corpus: Other (K)
Filings											
1979-80	192,408	52,346	30,541	18,475	1,176	58,004	3,593	12,389	2,496	3,766	9,622
1980-81	202,663	49,660	31,581	21,163	1,516	64,993	3,786	12,513	2,522	3,599	11,330
1981-82	206,173	49,821	29,770	21,843	1,202	67,411	4,085	14,138	2,621	3,682	11,600
1982-83	213,312	48,338	29,426	22,027	1,230	72,390	4,106	18,635	3,098	3,723	10,339
1983-84	218,947	46,433	29,600	27,258	1,806	74,567	4,749	17,681	3,632	4,801	8,420
1984-85	235,543	48,727	30,961	32,054	1,754	82,621	6,843	16,377	3,388	4,891	7,927
1985-86	256,639	51,853	32,626	34,839	2,046	95,467	7,046	16,218	3,297	5,284	7,963
1986-87	273,222	52,893	33,824	37,028	2,929	104,929	7,180	16,819	3,423	6,549	7,648
1987-88	279,178	49,375	35,067	35,987	4,480	115,539[r]	6,842	16,146	3,486[r]	5,454	6,802
1988-89	**305,012**	**52,206**	**37,568**	**39,306**	**6,618**	**132,486**	**6,711**	**16,006**	**3,438**	**4,249**	**6,424**
Dispositions											
1979-80	175,659	49,393	27,711	16,869	927	51,281	3,634	11,387	2,166	3,789	8,502
1980-81	182,551	48,385	27,879	15,313	1,748	58,314	4,234	11,016	2,250	3,136	10,276
1981-82	186,605	48,456	27,795	15,581	2,807	60,998	4,842	11,154	2,470	3,080	9,422
1982-83	194,197	45,774	27,502	15,142	2,706	67,261	4,842	16,688	2,893	3,074	8,315
1983-84	193,156	44,342	26,259	16,208	2,287	66,535	5,245	18,155	3,169	3,625	7,331
1984-85	207,289	44,520	26,623	20,482	2,550	74,591	6,290	18,146	3,289	3,829	6,969
1985-86	225,081	47,563	19,075	30,074	3,712	88,212	7,124	15,385	3,092	4,140	6,704
1986-87	253,056	49,206	29,775	34,325	4,045	98,741	6,342	15,419	3,426	5,295	6,482
1987-88	261,258	47,218	29,802	34,680	3,854	111,077[r]	5,908	14,132	3,598	5,190	5,799
1988-89	**276,145**	**46,456**	**31,132**	**36,360**	**4,844**	**124,271**	**5,767**	**14,161**	**3,231**	**4,081**	**5,842**
Dispositions per 100 filings											
1979-80	91	94	91	91	79	88	101	92	87	101	88
1980-81	90	97	88	72	115	90	112	88	89	87	91
1981-82	91	97	93	71	234	90	119	79	94	84	81
1982-83	91	95	93	69	220	93	118	90	93	83	80
1983-84	88	95	89	59	127	89	110	103	87	76	87
1984-85	88	91	86	64	145	90	92	111	97	78	88
1985-86	88	92	58	86	181	92	101	95	94	78	84
1986-87	93	93	88	93	138	94	88	92	100	81	85
1987-88	94	96	85	96	86	96	86	88	103	95	85
1988-89	**91**	**89**	**83**	**93**	**73**	**94**	**86**	**88**	**94**	**96**	**91**

(A) Sum of columns (B) through (K).
r Revised.

FIGURE 13-Distribution of General Civil Dispositions Fiscal Years 1988-89, 1987-88 and 1979-80



SOURCE: TABLE 6

Superior Court
Table 5

Dispositions by Type of Proceeding
Percent Distribution
Fiscal Year 1988-89

Type of proceeding	*Total dispositions* (A)	*Percent before trial* (B)	*Percent after uncontested trial* (C)	*Percent after contested trial* (D)
All proceedings	777,323	64%	27%	9%
General civil	188,926	92	5	4
P.I., death and prop. damage	118,280	97	2	1
Motor vehicles	75,078	97	2	1
Other	43,202	96	2	2
Eminent domain	1,113	89	3	8
Other civil complaints	69,533	83	9	8
Probate and guardianship	62,509	13	82	5
Family law	144,717	63	30	7
Other civil petitions	105,026	69	27	5
Mental health	5,767	14	70	16
Juvenile	118,792	21	63	15
Delinquency	77,588	15	69	16
Dependency	41,204	33	52	14
Criminal	124,271	94	1	5
Appeals from lower courts	17,392	12	-	88
Civil	14,161	6	-	94
Criminal	3,231	40	-	60
Habeas corpus	9,923	69	-	31
Criminal	4,081	83	-	17
Other	5,842	59	-	41

(A) From Tables 3 & 4.
(B) Table 6, column (A) divided by column (A) from this table.
(C) Table 6, column (D) divided by column (A) from this table.
(D) Table 6, column (G) divided by column (A) from this table.

Superior Court
Table 6

Dispositions by Type of Proceeding
Fiscal Years 1979-80, 1987-88 and 1988-89

Type of proceeding	*Dispositions before trial*			*Dispositions after uncontested trial*			*Dispositions after contested trial*		
	1988-89 (A)	*1987-88* (B)	*1979-80* (C)	*1988-89* (D)	*1987-88* (E)	*1979-80* (F)	*1988-89* (G)	*1987-88* (H)	*1979-80* (I)
All proceedings	495,875	451,858[r]	209,925	213,093	217,247	290,211	68,355	68,649[r]	63,385
General civil	173,128	150,185[r]	96,164	8,715	11,088	13,902	7,083	7,216[r]	7,225
P.I., death and prop. damage	114,398	99,795[r]	58,160	2,174	2,146	2,016	1,708	1,883[r]	2,048
Motor vehicles	72,992	64,227[r]	39,137	1,401	1,335	1,070	685	925	951
Other	41,406	35,568[r]	19,023	773	811	946	1,023	958[r]	1,097
Eminent domain	994	654[r]	894	35	61	151	84	74	212
Other civil complaints	57,736	49,736[r]	37,110	6,506	8,881	11,735	5,291	5,259[r]	4,965
Probate and guardianship	8,184	8,034	4,735	51,128	50,305	52,439	3,197	3,982	3,910
Family law	90,751	92,688	8,141	44,111	44,856	125,481	9,855	9,478	12,179
Other civil petitions	71,967	63,252	36,442	28,051	30,009	25,219	5,008	5,403	2,025
Mental health	781	799	303	4,039	3,957	2,872	947	1,152	459
Juvenile	25,532	24,522	10,952	75,284	75,189	69,035	17,976	15,843	14,913
Delinquency	11,764	13,170	8,537	53,720	53,324	55,832	12,104	10,526	12,735
Dependency	13,768	11,352	2,415	21,564	21,865	13,203	5,872	5,317	2,178
Criminal	116,574	103,523[r]	44,924	1,765	1,843	1,263	5,932	5,711	5,094
Appeals from lower courts	2,104	2,083	998	-	-	-	15,288	15,647	12,555
Civil	815	820	394	-	-	-	13,346	13,312	10,993
Criminal	1,289	1,263	604	-	-	-	1,942	2,335	1,562
Habeas corpus	6,854	6,772	7,266	-	-	-	3,069	4,217	5,025
Criminal	3,400	3,596	3,164	-	-	-	681	1,594	625
Other	3,454	3,176	4,102	-	-	-	2,388	2,623	4,400

(A),(B)&(C)Excludes civil dismissals for delay in prosecution
r Revised.

Superior Court
Table 7

Criminal Conviction Rates
Fiscal Year 1988-89

	Total defendants disposed	*Defendants convicted of felony crimes*	*Defendants convicted of misdemeanor crimes*	*Defendants acquitted, dismissed or transferred*
	(A)	(B)	(C)	(D)
Total	124,271	113,386	2,279	8,606
Before trial	116,574	107,525	1,803	7,246
After court trial	2,332	1,686	170	476
After jury trial	5,365	4,175	306	884

	Percent of defendants disposed	*Percent convicted of felony crimes*	*Percent convicted of misdemeanor crimes*	*Defendants acquitted, dismissed or transferred*
Total	100.0%	91.2%	1.8%	6.9%
Before trial	100.0	92.2	1.5	6.2
After court trial	100.0	72.3	7.3	20.4
After jury trial	100.0	77.8	5.7	16.5

(A) (B) + (C) + (D)

Superior Court
Table 8

Criminal Dispositions
Fiscal Years 1979-80 through 1988-89

Fiscal year	*Total criminal dispositions* (A)	*Dispositions before trial*		*Disposed after court trial* (D)	*Disposed after jury trial* (E)
		Pleas of guilty (B)	*Other* (C)		
Number					
1979-80	51,281	38,690	6,234	1,918	4,439
1980-81	58,314	45,082	6,744	1,944	4,544
1981-82	60,998	47,664	6,196	2,238	4,900
1982-83	67,261	52,933	6,528	2,990	4,810
1983-84	66,535	54,217	5,608	2,306	4,404
1984-85	74,591	63,121	5,358	1,950	4,162
1985-86	88,212	76,341	5,652	2,009	4,210
1986-87	98,741	85,626	6,339	2,148	4,628
1987-88	111,077[r]	96,865[r]	6,658	2,416[r]	5,138
1988-89	**124,271**	**109,328**	**7,246**	**2,332**	**5,365**
Percent					
1979-80	100%	75%	12%	4%	9%
1980-81	100	77	12	3	8
1981-82	100	78	10	4	8
1982-83	100	79	10	4	7
1983-84	100	81	8	3	7
1984-85	100	85	7	3	6
1985-86	100	87	6	2	5
1986-87	100	87	6	2	5
1987-88	100	87	6	2	5
1988-89	**100**	**88**	**6**	**2**	**4**

(A) From Table 4, column (F).
(B) Includes pleas to felonies and misdemeanors.
(C) Dismissed before trial or transferred to another court.
r Revised.

Superior Court
Table 9

Number of Juries and Jury Trials as a Percentage of Dispositions Fiscal Years 1979-80 through 1988-89

	All proceedings				*Personal injury*				*Criminal*			
			As a percent of dispositions				*As a percent of dispositions*				*As a percent of dispositions*	
Fiscal year	*Juries sworn*	*Jury trials*	*Juries sworn*	*Jury trials*	*Juries sworn*	*Jury trials*	*Juries sworn*	*Jury trials*	*Juries sworn*	*Jury trials*	*Juries sworn*	*Jury trials*
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
1979-80	7,816	7,393	2.1%	2.0%	1,724	1,910	2.8%	3.1%	5,003	4,439	9.5%	8.7%
1980-81	7,913	7,469	2.0	1.9	1,687	1,783	2.4	2.6	5,048	4,544	8.7	7.8
1981-82	8,381	8,001	2.1	2.0	1,690	1,707	2.4	2.4	5,278	4,900	8.7	8.0
1982-83	8,956	7,775	2.2	1.9	1,845	1,593	2.5	2.1	5,288	4,810	7.9	7.2
1983-84	8,971	7,520	2.2	1.8	2,147	1,561	2.9	2.1	4,782	4,404	7.2	6.6
1984-85	8,112	6,897	1.9	1.6	2,033	1,365	2.9	2.0	4,600	4,162	6.2	5.6
1985-86	9,483	7,399	2.1	1.7	1,917	1,510	2.4	1.9	4,910	4,208	5.6	4.8
1986-87	9,980	8,025[r]	2.1	1.7	1,583	1,457[r]	1.7	1.6	5,328	4,628	5.4	4.7
1987-88	8,923	8,081[r]	1.8	1.6	1,392	1,608[r]	1.3	1.5	5,570	5,138	5.0	4.6
1988-89	**8,903**	**7,955**	**1.7**	**1.5**	**1,602**	**1,459**	**1.4**	**1.2**	**5,617**	**5365**	**4.5**	**4.3**

(C)&(D) Only includes dispositions for types of proceedings for which jury trials occur; mental health, criminal, general civil, family law, and probate & guardianship. However, some of these proceedings (such as family law) include filings for which jury trials are not possible.
(G)&(H) As a percentage of personal injury dispositions only.
(K)&(L) As a percentage of criminal dispositions only.
r Revised.

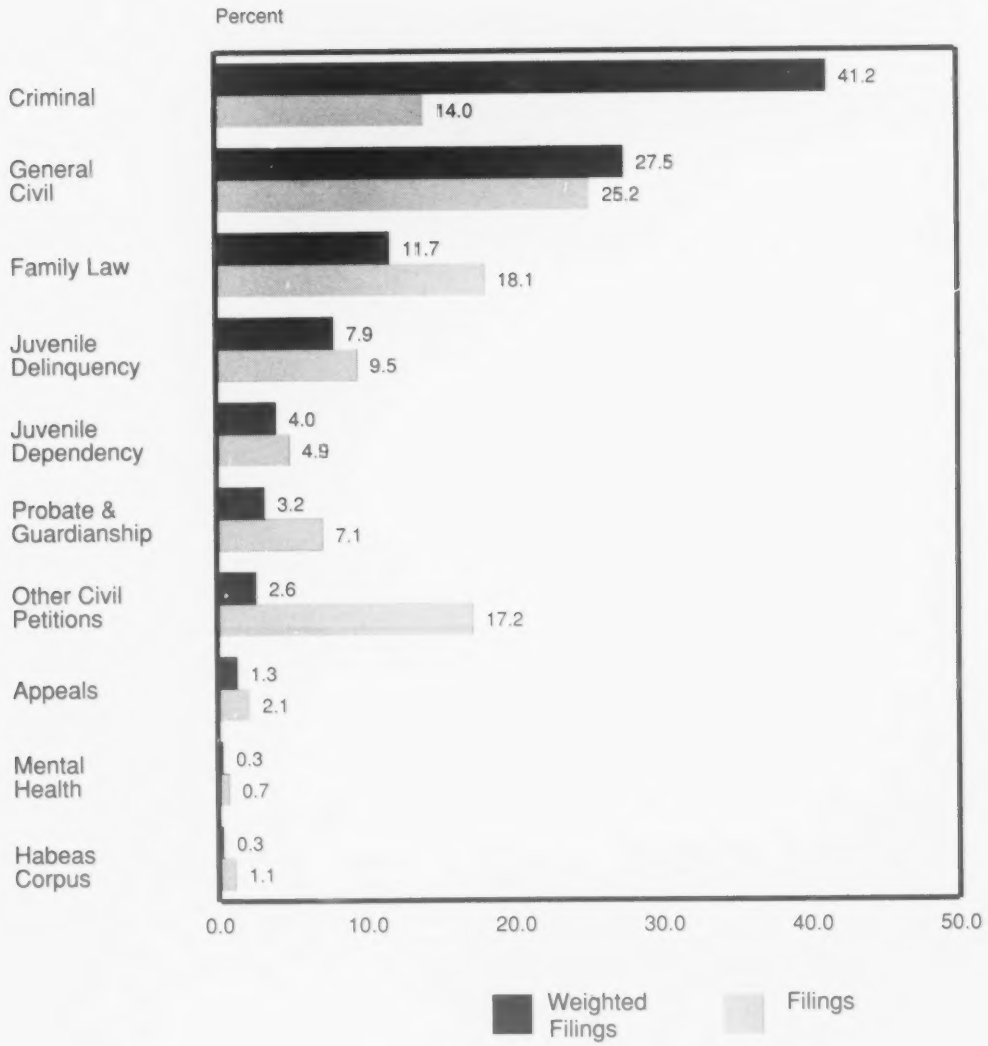
Superior Court
Table 10

Number of Full-Time Judicial Positions and Judicial Position Equivalents As of June 30, 1980 through 1989

As of June 30,	Judicial positions							Judicial position equivalents	
			Judges		Court commissioners and referees				
	Total	Change from preceding year	Total	Change from preceding year	Total	Commissioners	Referees	Total	Change from preceding year
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
1980	705	46	607	46	98	77	21	688	21
1981	725	20	628	21	97	74	23	709	21
1982	723	-2	628	0	95	73	22	736	27
1983	744	21	648	20	96	76	20	745	9
1984	748	4	655	7	93	78	15	760	15
1985	776	28	677	22	99	82	17	778	18
1986	789	13	687	10	102	85	17	829	51
1987	828	39	724	37	104	86	18	828	-1
1988	839	11	725	1	114	92	22	877[r]	49
1989	**899**	**60**	**788**	**63**	**111**	**94**	**17**	**879**	**3**

(A) (C) + (E).
(E) (F) + (G).
(H) Judicial position equivalent figures for the Los Angeles Superior Court for fiscal years 1986-87 and 1987-88 and the Placer Superior Court for fiscal year 1987-88 were replaced with actual judicial positions due to the delinquency of reporting assistance for these periods.
r Revised.

FIGURE 14-Percent Distribution Filings and Weighted Filings Fiscal Year 1988-89



SOURCE: TABLE 11

Superior Court
Table 11

Filings, Weighted Filings and Required Judicial Positions By Type of Proceeding Fiscal Year 1988-89

Type of proceeding	*FY 1988-89 filings*		*FY 1988-89 weighted filings*			*FY 1988-89 required judicial positions*	*FY 1987-88 required judicial positions*
	Number (A)	*Percent of total* (B)	*Weight* (C)	*Number* (D)	*Percent of total* (E)	(F)	(G)
All proceedings	944,252	100.0%	-	94,216,353	100.0%	1,000	948
General civil							
P.I., death and prop. damage	131,900	14.0	67	10,958,252	11.6	116	117
Eminent domain	2,161	0.2	171	458,218	0.5	5	5
Other civil complaints	104,122	11.0	112	14,460,463	15.3	154	161
Probate and guardianship	67,242	7.1	36	3,001,683	3.2	32	32
Family law	171,120	18.1	52	11,033,818	11.7	117	119
Other civil petitions	162,695	17.2	12	2,420,902	2.6	26	25
Mental health	6,711	0.7	35	291,257	0.3	3	3
Juvenile							
Delinquency	89,774	9.5	67	7,458,424	7.9	79	74
Dependency	45,924	4.9	67	3,815,366	4.0	41	36
Criminal	132,486	14.0	236	38,770,703	41.2	412	359
Appeals from lower courts	19,444	2.1	51	1,229,639	1.3	13	13
Habeas corpus	10,673	1.1	24	317,628	0.3	3	4

(A) From Tables 3 & 4.
(B) Percentages may not add to total due to rounding.
(C) Current weights were approved by the Judicial Council in February 1988 and apply to all superior courts. These weights reflect the average judicial time spent on case-related activities and do not include time required for noncase-related activities.
(D) (A) x (C) x 1.24. Weighted filings estimate the total time required by judges in disposition of the caseload and include both case-related and noncase-related activities. The product is 124% of case-related weighted filings.
(E) Percentages may not add to total due to rounding.
(F) (D) / 94,170. Figures represent judicial positions required to dispose of the weighted caseload. 94,170 is the average number of minutes a year a judge spends on case-related and noncase-related activities.
(G) Based on fiscal year 1987-88 filings. Most of the required judicial position increase from 1987-88 to 1988-89 is due to criminal filings.

Superior Court
Table 12

General Civil Cases
Dispositions Per 100 Filings[a]
Fiscal Years 1984-85 through 1988-89

	1984-85	1985-86	1986-87	1987-88	1988-89
Statewide	**69**	**63**	**67**	**99**	**104**
Mandatory delay reduction program courts					
Total	**74**	**66**	**71**	**104**	**109**
Alameda	50	50	52	72	90
Contra Costa	63	68	61	99	153
Kern	46	53	64	107	90
Los Angeles	82	79	82	117	117
Orange	101	54	56	106	81
Riverside	69	66	61	55	76
Sacramento	44	54	70	115	136
San Diego	47	47	63	79	105
San Francisco	57	53	64	102	129
Voluntary delay reduction program courts					
Total	**51**	**61**	**59**	**75**	**88**
Fresno	27	57	57	66	65
Humboldt	54	54	42	101	118
Lake	92	43	62	139	164
Mendocino	33	37	37	50	28
Napa	49	68	50	118	100
San Joaquin	71	64	60	50	76
Santa Barbara	54	58	57	95	182
Sonoma	60	80	82	93	86
Stanislaus	54	54	73	98	113
Ventura	75	70	53	64	82
Yolo	56	50	59	56	106
Non-participating courts					
Total	**55**	**53**	**54**	**93**	**91**
Alpine	57	62	29	71	57
Amador	26	22	23	14	1
Butte	49	56	61	59	70
Calaveras	59	51	55	37	50
Colusa	44	58	70	69	53
Del Norte	56	59	68	149	62
El Dorado	50	44	57	70	61
Glenn	54	51	88	154	105
Imperial	42	40	52	39	100
Inyo	45	128	61	87	71
Kings	51	50	62	75	54[1]

Superior Court
Table 12
(Continued)

General Civil Cases
Dispositions Per 100 Filings[a]
Fiscal Years 1984-85 through 1988-89

	1984-85	1985-86	1986-87	1987-88	1988-89
Non-participating courts (continued)					
Lassen	83	113	71	79	49
Madera	61	41	58	57	39
Marin	64	58	54	97	112
Mariposa	44	86	76	72	189
Merced	56	58	49	83	162
Modoc	55	40	43	58	61
Mono	18	65	85	64	54
Monterey	64	53	54	102	115
Nevada	97	55	70	58	71
Placer	61	69	55	59	59
Plumas	79	49	100	65	53
San Benito	61	51	50	25	46
San Bernardino	47	45	46	119	52
San Luis Obispo	68	54	60	71	148
San Mateo	59	51	48	127	94
Santa Clara	55	57	60	89	125
Santa Cruz	56	55	61	121	110
Shasta	38	28	33	66	55
Sierra	75	33	50	28	58
Siskiyou	66	61	64	52	66
Solano	51	44	44	55	56[i]
Sutter	45	64	55	66	94
Tehama	38	50	27	60	74
Trinity	125	62	79	86	105
Tulare	47	65	62	103	63
Tuolumne	61	67	71	72	79
Yuba	64	29	35	51	37[i]

a Dispositions include cases dismissed due to lack of prosecution. Numbers in Table 3 and lines in Figure 5 do not include these dismissals.
i Incomplete.

FIGURE 15-Civil Cases Awaiting Trial
Fiscal Years 1979-80 through 1988-89

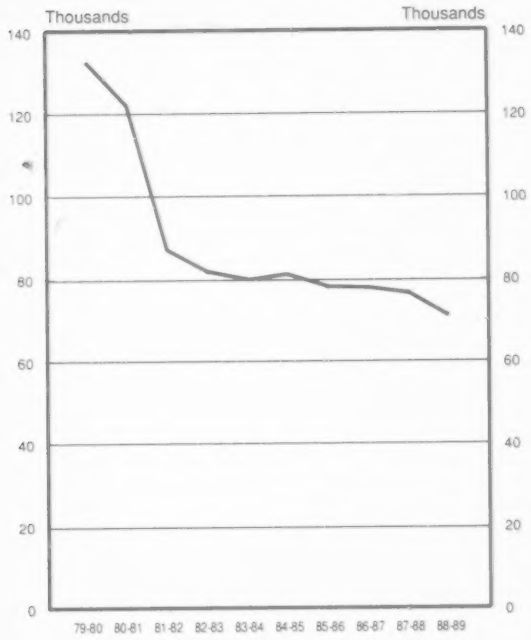
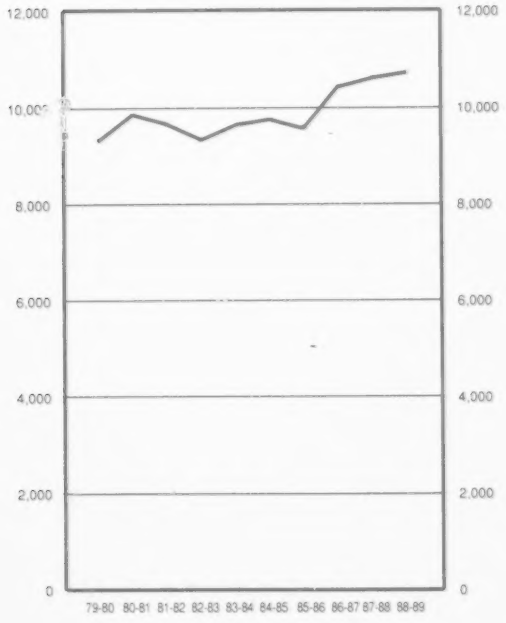


FIGURE 16-Criminal Cases Awaiting Trial
Fiscal Years 1979-80 through 1988-89



Superior Court
Table 13

Civil Cases Awaiting Trial As of June 30, 1985 through 1989

	Civil cases awaiting trial									
	Total as of June 30					*Per authorized judge as of June 30*[a]				
	1985	1986	1987	1988	1989	1985	1986	1987	1988	1989
Statewide total	**81,061**	**77,790**	**77,607**	**76,433**	**70,978**	**120**	**113**	**107**	**105**	**90**
Mandatory delay reduction program courts										
Total	**66,523**	**62,586**	**61,781**	**59,296**	**54,393**	**149**	**137**	**129**	**124**	**105**
Alameda	4,476	4,716	4,483	4,142	4,051	144	152	132	122	119
Contra Costa	1,456	982	1,077	1,224	2,455	97	65	72	82	144
Kern	1,101	971	1,014	1,019	1,387	85	75	68	68	92
Los Angeles	38,524	36,757	35,479	32,803	31,313	180	164	158	146	132
Orange	6,350	5,951	7,008	6,490	7,602	125	117	130	120	129
Riverside	1,682	1,257	1,111	1,101	1,107	89	66	57	50	46
Sacramento	2,766	2,878	3,273	1,882	1,870	102	107	113	65	58
San Diego	5,635	6,107	5,798	9,141	2,249	115	125	100	158	32
San Francisco	4,533	2,967	2,538	1,494	2,359	162	106	88	52	81
Voluntary delay reduction program courts										
Total	**4,200**	**4,366**	**4,759**	**4,660**	**4,918**	**54**	**56**	**58**	**56**	**57**
Fresno	698	592	617	632	706	47	39	39	37	42
Humboldt	161	194	216	155	112	54	65	72	52	37
Lake	44	58	70	71	104	22	29	35	35	52
Mendocino	149	154	133	157	101	75	77	67	79	34
Napa	178	160	200	175	276	59	53	67	58	92
San Joaquin	498	594	499	532	479	45	54	45	48	37
Santa Barbara	482	529	484	411	567	48	53	48	41	57
Sonoma	576	475	509	482[r]	525	72	59	64	54	58
Stanislaus	585	611	774	692	604	73	76	97	87	76
Ventura	693	801	1,077	1,133	1,146	53	62	72	76	76
Yolo	136	198	180	220	298	45	66	60	73	75
Non-participating courts										
Total	**10,338**	**10,838**	**11,067**	**12,477**	**11,667**	**68**	**71**	**68**	**77**	**64**
Alpine	12	5	4	7	3	12	5	4	7	3
Amador	84	73	77	66	1	84	73	77	66	-
Butte	213	253	215	237	302	71	84	54	59	76
Calaveras	0	0	0	0	1	0	0	0	0	-
Colusa	39	59	27	20	19	39	59	27	20	19
Del Norte	16	11	16	11	16	16	11	16	11	16
El Dorado	186	223	223	228	209	62	74	74	76	70

Superior Court
Table 13
(Continued)

Civil Cases Awaiting Trial As of June 30, 1985 through 1989

	Civil cases awaiting trial									
	Total as of June 30					*Per authorized judge as of June 30*[a]				
	1985	1986	1987	1988	1989	1985	1986	1987	1988	1989
Non-participating courts (continued)										
Glenn	26	16	14	13	6	26	16	14	13	6
Imperial	82	94	79	66	71	27	31	26	22	24
Inyo	56	46	58	65	69	56	46	58	65	69
Kings	93	102	86	132	129	47	51	43	66	43
Lassen	32	44	57	41	44	32	44	57	41	44
Madera	79	68	96	101	116	40	34	48	51	58
Marin	712	677	706	663	895	119	113	118	111	149
Mariposa	39	27	24	14	10	39	27	24	14	10
Merced	153	124	139	134	141	51	41	46	45	47
Modoc	4	3	4	3	2	4	3	4	3	2
Mono	65	83	76	64	56	65	83	76	64	56
Monterey	300	247	221	307	273	38	31	28	38	34
Nevada	197	163	173	176	185	99	82	87	88	62
Placer	298	368	250	550	731	75	92	63	138	183
Plumas	67	60	62	97	75	67	60	62	97	75
San Benito	20	38	25	33	49	20	38	25	33	49
San Bernardino	1,474	1,695	1,761	2,272	2,059	61	71	70	91	74
San Luis Obispo	693	1,110	824	828	901	173	278	206	207	180
San Mateo	1,045	1,042	943	892	1,081	75	74	59	56	64
Santa Clara	2,342	2,133	2,544	3,150[r]	2,390	71	65	75	93	54
Santa Cruz	450	518	687	619	512	113	130	172	155	102
Shasta	465	509	624	645	781	155	170	156	161	195
Sierra	6	7	8	5	11	6	7	8	5	11
Siskiyou	43	64	41	44	28	43	64	41	44	28
Solano	369	364	444	452	[i]	74	73	63	65	-
Sutter	160	123	151	132	83	80	62	76	66	28
Tehama	85	84	70	53	55	43	42	35	27	28
Trinity	44	28	[i]	[i]	16	44	28	-	-	16
Tulare	258	247	192	171	216	43	41	27	24	31
Tuolumne	108	96	125	115	133	108	96	125	115	67
Yuba	23	34	21	71	[i]	12	17	7	24	-

a Cases awaiting trial per authorized judge is equal to the total number awaiting trial divided by the number of authorized judges. So the number of authorized judges can be calculated by dividing the total number awaiting trial by the number per authorized judge.

r Revised.

i Incomplete.

Superior Court
Table 14

Civil Cases Awaiting Trial in Which At-Issue Memoranda More than One Year Old As of June 30, 1989 and June 30, 1988

	As of June 30, 1989			*As of June 30, 1988*		
	Civil cases awaiting trial (A)	*Cases in which at-issue memoranda more than one year old* (B)	*Percent of total* (C)	*Civil cases awaiting trial* (A)	*Cases in which at-issue memoranda more than one year old* (B)	*Percent of total* (C)
Statewide total	**70,978**	**16,009**	**23%**	**76,433**	**16,217**	**21%**
Mandatory delay reduction program courts						
Total	**54,393**	**13,931**	**26%**	**59,296**	**14,638**	**25%**
Alameda	4,051	1,311	32	4,142	746	18
Contra Costa	2,455	210	9	1,224	306	25
Kern	1,387	189	14	1,019	149	15
Los Angeles	31,313	9,941	32	32,803	10,441	32
Orange	7,602	701	9	6,490	618	10
Riverside	1,107	88	8	1,101	89	8
Sacramento	1,870	337	18	1,882	377	20
San Diego	2,249	897	40	9,141	1,810	20
San Francisco	2,359	257	11	1,494	102	7
Voluntary delay reduction program courts						
Total	**4,918**	**411**	**8%**	**4,660**	**248**	**5%**
Fresno	706	0	0	632	0	0
Humboldt	112	1	1	155	9	6
Lake	104	0	0	71	0	0
Mendocino	101	0	0	157	0	0
Napa	276	22	8	175	13	7
San Joaquin	479	9	2	532	3	1
Santa Barbara	567	5	1	411	7	2
Sonoma	525	33	6	482[r]	19	4
Stanislaus	604	0	0	692	0	0
Ventura	1,146	280	24	1,133	167	15
Yolo	298	61	20	220	30	14
Non-participating courts						
Total	**11,667**	**1,667**	**14%**	**12,477**	**1,331**	**11%**
Alpine	3	0	0	7	0	0
Amador	i	i	-	66	19	29
Butte	302	35	12	237	17	7
Calaveras	i	i	-	0	0	0
Colusa	19	0	0	20	0	0

Superior Court
Table 14
(Continued)

Civil Cases Awaiting Trial in Which At-Issue Memoranda More than One Year Old As of June 30, 1989 and June 30, 1988

	As of June 30, 1989			*As of June 30, 1988*		
	Civil cases awaiting trial (A)	*Cases in which at-issue memoranda more than one year old* (B)	*Percent of total* (C)	*Civil cases awaiting trial* (A)	*Cases in which at-issue memoranda more than one year old* (B)	*Percent of total* (C)
Non-participating courts (continued)						
Del Norte	16	2	13	11	0	0
El Dorado	209	15	7	228	3	1
Glenn	6	0	0	13	0	0
Imperial	71	14	20	66	7	11
Inyo	69	17	25	65	11	17
Kings	129	0	0	132	0	0
Lassen	44	8	18	41	5	12
Madera	116	0	0	101	0	0
Marin	895	81	9	663	16	2
Mariposa	10	0	0	14	2	14
Merced	141	0	0	134	0	0
Modoc	2	0	0	3	0	0
Mono	56	10	18	64	27	42
Monterey	273	0	0	307	0	0
Nevada	185	32	17	176	0	0
Placer	731	329	45	550	205	37
Plumas	75	33	44	97	21	22
San Benito	49	0	0	33	1	3
San Bernardino	2,059	283	14	2,272	199	9
San Luis Obispo	901	263	29	828	428	52
San Mateo	1,081	0	0	892	0	0
Santa Clara	2,390	0	0	3,150r	0	0
Santa Cruz	512	202	39	619	0	0
Shasta	781	322	41	645	227	35
Sierra	11	0	0	5	0	0
Siskiyou	28	0	0	44	0	0
Solano	i	i	-	452	123	27
Sutter	83	1	1	132	4	3
Tehama	55	0	0	53	1	2
Trinity	16	0	0	i	i	-
Tulare	216	11	5	171	5	3
Tuolumne	133	9	7	115	10	9
Yuba	i	i	-	71	0	0

(A) From Table 13.
(C) (B)/(A).
r Revised.
i Incomplete.

Superior Court
Table 15

Median At-Issue to Trial for Civil Jury Cases At End of June 1985 through 1989

	Median interval in months from at-issue to memo to trial for cases tried in June				
	1985	1986	1987	1988	1989
Mandatory delay reduction program courts					
Alameda	16	39	15	17	9
Contra Costa	19	16	16	29	8
Kern	32	32	11	18	20
Los Angeles	36	26	25	26	20
Orange	19	13	13	16	15
Riverside	19	22	18	16	15
Sacramento	11	24	22	25	13
San Diego	16	18	15	10	19
San Francisco	21	17	19	15	8
Voluntary delay reduction program courts					
Fresno	10	7	4	0	11
Humboldt	15	0	7	0	4
Lake	0	3	0	5	6
Mendocino	0	3	3	3	0
Napa	0	20	8	12	0
San Joaquin	6	5	4	7	17
Santa Barbara	9	24	9	24	8
Sonoma	9	18	9	16[r]	28
Stanislaus	3	4	4	4	4
Ventura	10	10	0	16	2
Yolo	0	15	0	13	11
Non-participating courts					
Alpine	0	0	0	0	0
Amador	0	18	23	0	1
Butte	4	0	8	9	9
Calaveras	0	0	0	0	1
Colusa	0	0	13	0	0
Del Norte	0	0	0	1	0
El Dorado	11	9	11	7	14
Glenn	0	36	0	0	0
Imperial	10	26	0	8	12
Inyo	0	0	0	0	0
Kings	0	0	0	7	0
Lassen	0	0	0	0	0
Madera	0	6	0	0	0

Superior Court
Table 15
(Continued)

Median At-Issue to Trial for Civil Jury Cases At End of June 1985 through 1989

	Median interval in months from at-issue to memo to trial for cases tried in June				
	1985	1986	1987	1988	1989
Non-participating courts (continued)					
Marin	14	12	15	7	10
Mariposa	0	0	15	0	0
Merced	7	34	7	0	7
Modoc	0	0	0	0	0
Mono	9	44	0	0	0
Monterey	4	5	5	1	4
Nevada	0	14	15	11	7
Placer	10	0	0	0	0
Plumas	0	0	21	0	0
San Benito	0	33	0	0	0
San Bernardino	8	10	10	14	13
San Luis Obispo	23	51	22	0	23
San Mateo	5	5	3	5	8
Santa Clara	7	9	6	14	12
Santa Cruz	11	20	25	14	20
Shasta	14	13	0	23	16
Sierra	0	0	0	0	0
Siskiyou	0	9	0	7	0
Solano	8	0	8	0	i
Sutter	0	0	0	22	11
Tehama	0	4	5	0	0
Trinity	0	0	i	i	4
Tulare	10	7	8	8	7
Tuolumne	13	0	0	0	0
Yuba	6	0	0	1	i

r Revised.
i Incomplete.

Superior Court
Table 16

Criminal Cases Awaiting Trial As of June 30, 1985 through 1989

	Criminal cases awaiting trial									
	Total as of June 30					*Per authorized judge as of June 30*[a]				
	1985	1986	1987	1988	1989	1985	1986	1987	1988	1989
Statewide total	**9,740**	**9,582**	**10,443**	**10,595**	**10,717**	**14**	**14**	**14**	**15**	**14**
Mandatory delay reduction program courts										
Total	**6,708**	**6,272**	**7,008**	**6,975**	**7,245**	**15**	**14**	**15**	**15**	**14**
Alameda	768	454	452	507	666	25	15	13	15	20
Contra Costa	367	244	244	372	387	24	16	16	25	23
Kern	386	184	416	344	364	30	14	28	23	24
Los Angeles	3,665	3,781	3,970	3,749	3,668	17	17	18	17	15
Orange	350	470	771	739	604	7	9	14	14	10
Riverside	106	105	135	69	66	6	6	6	3	3
Sacramento	329	312	343	225	338	12	12	12	8	11
San Diego	492	520	547	691	848	10	11	9	12	12
San Francisco	245	202	130	279	304	9	7	4	10	10
Voluntary delay reduction program courts										
Total	**831**	**1,090**	**1,013**	**1,114**	**1,152**	**11**	**14**	**12**	**13**	**13**
Fresno	150	204	86	197	184	10	14	5	12	11
Humboldt	30	48	44	19	23	10	16	15	6	8
Lake	15	17	10	17	14	8	9	5	9	7
Mendocino	35	77	47	66	64	18	39	24	33	21
Napa	41	21	14	23	31	14	7	5	8	10
San Joaquin	157	196	259	171	130	14	18	24	16	10
Santa Barbara	78	80	82	103	116	8	8	8	10	12
Sonoma	125	198	143	133[r]	182	16	25	16	15[r]	20
Stanislaus	74	76	116	184	205	9	10	15	23	26
Ventura	92	116	153	161	145	7	9	10	11	10
Yolo	34	57	59	40	58	11	19	20	13	15
Non-participating courts										
Total	**2,201**	**2,220**	**2,422**	**2,506**	**2,320**	**14**	**15**	**15**	**15**	**13**
Alpine	0	0	0	0	0	0	0	0	0	0
Amador	33	27	42	33	1	33	27	42	33	-
Butte	53	48	54	53	56	18	16	14	13	14
Calaveras	0	0	0	0	1	0	0	0	0	-
Colusa	3	12	16	9	6	3	12	16	9	6
Del Norte	9	8	12	11	0	9	8	12	11	0
El Dorado	37	34	43	43	71	12	11	14	14	24

Superior Court
Table 16
(Continued)

Criminal Cases Awaiting Trial As of June 30, 1985 through 1989

	Criminal cases awaiting trial									
	Total as of June 30					*Per authorized judge as of June 30*[a]				
	1985	1986	1987	1988	1989	1985	1986	1987	1988	1989
Non-participating courts (continued)										
Glenn	4	1	6	6	7	4	1	6	6	7
Imperial	0	0	0	0	0	0	0	0	0	0
Inyo	2	2	0	4	0	2	2	0	4	0
Kings	64	56	20	18	75	32	28	10	9	25
Lassen	13	16	10	11	19	13	16	10	11	19
Madera	34	33	97	104	85	17	17	49	52	43
Marin	49	28	17	26	22	8	5	3	4	4
Mariposa	2	3	1	4	3	2	3	1	4	3
Merced	36	20	23	39	23	12	7	8	13	8
Modoc	4	4	2	5	2	4	4	2	5	2
Mono	4	1	1	2	3	4	1	1	2	3
Monterey	72	69	88	82	42	9	9	11	10	5
Nevada	52	45	26	45	29	26	23	13	23	10
Placer	50	49	66	64	91	13	12	17	16	23
Plumas	0	16	9	13	0	0	16	9	13	0
San Benito	4	8	0	15	7	4	8	0	15	7
San Bernardino	244	334	439	549	544	10	14	18	22	19
San Luis Obispo	65	29	64	64	47	16	7	16	16	9
San Mateo	280	234	311	264	185	20	17	19	17	11
Santa Clara	705	728	666	478	518	21	22	20	14	12
Santa Cruz	74	59	38	67	109	19	15	10	17	22
Shasta	72	109	83	123	106	24	36	21	31	27
Sierra	0	0	0	0	0	0	0	0	0	0
Siskiyou	7	3	1	8	6	7	3	1	8	6
Solano	53	61	92	130	i	11	12	13	19	-
Sutter	8	10	18	15	11	4	5	9	8	4
Tehama	5	13	13	15	11	3	7	7	8	6
Trinity	8	0	i	i	0	8	0	-	-	0
Tulare	118	135	134	140	181	20	23	19	20	26
Tuolumne	15	25	30	47	61	15	25	30	47	31
Yuba	22	0	0	19	i	11	0	0	6	-

a Cases awaiting trial per authorized judge is equal to the total number awaiting trial divided by the number of authorized judges. So the number of authorized judges can be calculated by dividing the total number awaiting trial by the number per authorized judge.
r Revised.
i Incomplete.

Superior Court
Table 17

Criminal Juries Sworn More than 60 Days from Indictment Fiscal Years 1988-89 and 1987-88

	1988-89			1987-88		
		Juries sworn more than 60 days from indictment			Juries sworn more than 60 days from indictment	
	Total criminal juries (A)	Total (B)	Percent of total (C)	Total criminal juries (A)	Total (B)	Percent of total (C)
Statewide total	**5,617**	**3,349**	**60%**	**5,570**	**3,192**	**57%**
Mandatory delay reduction program courts						
Total	**3,512**	**2,102**	**60%**	**3,427**	**1,829**	**53%**
Alameda	160	351	219	137	248	181
Contra Costa	235	188	80	246	212	86
Kern	244	87	36	237	104	44
Los Angeles	1,497	605	40	1,564	605	39
Orange	236	182	77	264	89	34
Riverside	153	47	31	127	35	28
Sacramento	282	245	87	224	135	60
San Diego	550	333	61	455	337	74
San Francisco	155	64	41	173	64	37
Voluntary delay reduction program courts						
Total	**751**	**414**	**55%**	**787**	**508**	**65%**
Fresno	167	86	51	160	85	53
Humboldt	29	17	59	28	18	64
Lake	32	0	0	24	0	0
Mendocino	29	12	41	34	20	59
Napa	23	26	113	45	31	69
San Joaquin	86	39	45	69	45	65
Santa Barbara	79	59	75	65	45	69
Sonoma	66	50	76	63	31[1]	49
Stanislaus	129	78	60	156	83	53
Ventura	86	47	55	105	150	143
Yolo	25	0	0	38	0	0
Non-participating courts						
Total	**1,354**	**833**	**62%**	**1,356**	**855**	**63%**
Alpine	1	0	0	0	0	0
Amador	1	1	-	9	7	78
Butte	48	47	98	69	51	74
Calaveras	7	1	-	6	1	17
Colusa	6	6	100	5	4	80

Superior Court
Table 17
(Continued)

Criminal Juries Sworn More than 60 Days from Indictment Fiscal Years 1988-89 and 1987-88

	1988-89			1987-88		
		Juries sworn more than 60 days from indictment			Juries sworn more than 60 days from indictment	
	Total criminal juries	Total	Percent of total	Total criminal juries	Total	Percent of total
	(A)	(B)	(C)	(A)	(B)	(C)
Non-participating courts (continued)						
Del Norte	14	8	57	16	6	38
El Dorado	22	14	64	20	18	90
Glenn	8	1	13	6	2	33
Imperial	16	5	31	29	7	24
Inyo	4	0	0	5	5	100
Kings	36	7	19	28	8	29
Lassen	33	19	58	41	21	51
Madera	54	22	41	61	34	56
Marin	33	23	70	37	10	27
Mariposa	1	2	200	2	1	50
Merced	17	3	18	24	6	25
Modoc	2	1	50	7	2	29
Mono	3	1	33	2	0	0
Monterey	65	31	48	86	35	41
Nevada	30	19	63	15	0	0
Placer	20	9	45	18	10	56
Plumas	5	2	40	5	4	80
San Benito	7	0	0	3	2	67
San Bernardino	252	200	79	205	158	77
San Luis Obispo	32	23	72	26	16	62
San Mateo	73	65	89	52	60	115
Santa Clara	209	139	67	223	212	95
Santa Cruz	30	15	50	27	12	44
Shasta	27	0	0	40	0	0
Sierra	3	4	133	4	4	100
Siskiyou	16	2	13	12	1	8
Solano	91	65[i]	71	109	73	67
Sutter	17	6	35	16	13	81
Tehama	37	3	8	18	4	22
Trinity	7	5	71	6	4	67
Tulare	104	78	75	95	56	59
Tuolumne	9	8	89	10	8	80
Yuba	15	0[i]	0	19	0	0

(C) (B)/(A)
i Incomplete

Superior Court
Table 18

Criminal Data
Fiscal Year 1988-89

County	Municipal and justice courts			Superior courts					
							Defendants convicted		
	Felony filings (A)	Felony dispositions (B)	Bound over and guilty pleas (C)	Criminal filings (D)	Criminal dispositions (E)	Jury trials (F)	Total (G)	Felony (H)	Misdemeanor (I)
Statewide	**222,243**	**191,001**	**129,878**	**132,486**	**124,271**	**5,365**	**115,665**	**113,386**	**2,279**
Alameda	11,501	10,559	7,471	7,521	5,916	121	5,400	5,298	102
Alpine	9	3	2	6	3	1	2	2	0
Amador	179	118	85	i	i	i	i	i	i
Butte	1,060	1,044	531	615	431	41	360	359	1
Calaveras	290	220	133	79	69	5	59	52	7
Colusa	144	196	82	73	111	5	82	82	0
Contra Costa	4,542	3,419	2,323	2,256	2,055	178	1,758	1,746	12
Del Norte	220	204	106	73	84	11	53	53	0
El Dorado	1,323	814	389	419	348	21	287	287	0
Fresno	6,744	6,734	3,013	2,887	1,521	144	1,401	1,395	6
Glenn	374	240	134	185	142	7	128	124	4
Humboldt	768	636	332	355	323	24	280	275	5
Imperial	1,290	779	227	266	308	34	273	252	21
Inyo	223	197	86	127	132	4	130	130	0
Kern	5,369	4,264	2,669	2,949	2,595	229	2,207	2,145	62
Kings	876	679	394	362[1]	390[1]	42[1]	320[1]	320	0[1]
Lake	459	437	248	222	229	38	191	189	2
Lassen	330	354	210	224	151	36	116	114	2
Los Angeles	68,015	58,469	45,248	47,428	47,555	1,606	44,666	44,047	619
Madera	1,438	1,102	670	628	421	42	352	345	7
Marin	1,140	734	379	420	374	32	339	338	1
Mariposa	148	88	0	53	46	4	41	38	3
Mendocino	1,138	1,204	413	478	375	17	343	321	22
Merced	1,518	908	409	603	586	20	585	585	0
Modoc	104	55	28	34	23	2	21	13	8
Mono	136	115	39	51	27	3	24	23	1
Monterey	2,284	1,757	1,271	1,492	1,355	53	1,146	1,090	56
Napa	782	680	502	505	550	23	480	469	11
Nevada	550	358	206	186	210	21	185	184	1
Orange	8,448	7,354	5,443	5,423	5,618	192	5,431	5,323	108
Placer	1,986	1,869	606	566	321	15	285	252	33
Plumas	213	94	36	89	59	4	47	46	1
Riverside	8,449	5,733	3,818	4,113	3,424	160	3,118	3,101	17

Superior Court Table 18 (Continued)

Criminal Data Fiscal Year 1988-89

County	*Municipal and justice courts*			*Superior courts*					
							Defendants convicted		
	Felony filings	*Felony dispositions*	*Bound over and guilty pleas*	*Criminal filings*	*Criminal dispositions*	*Jury trials*	*Total*	*Felony*	*Misdemeanor*
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Sacramento	9,935	9,019	4,993	5,335	6,346	242	5,921	5,718	203
San Benito	217	188	125	158	104	2	101	101	0
San Bernardino	8,964	8,099	4,733	5,063	4,490	204	4,180	4,047	133
San Diego	16,746	16,277	12,580	11,920	9,884	471	9,515	9,046	469
San Francisco	7,670	7,186	5,237	4,244	4,726	118	4,629	4,582	47
San Joaquin	4,261	3,838	2,393	2,288	2,224	90	2,010	2,005	5
San Luis Obispo	1,194	906	565	594	609	29	571	569	2
San Mateo	2,752	3,115	2,529	2,418	1,618	63	1,486	1,486	0
Santa Barbara	1,894	1,371	1,075	1,209	1,083	42	1,039	1,020	19
Santa Clara	13,449	10,427	8,021	8,295	7,941	188	7,694	7,559	135
Santa Cruz	2,034	1,827	756	914	815	29	756	734	22
Shasta	1,919	1,473	848	898	828	23	756	724	32
Sierra	31	36	25	19	23	4	22	18	4
Siskiyou	373	361	129	134	142	17	135	135	0
Solano	3,474	2,864	1,571	1,355[i]	906[i]	85[i]	842[i]	838[i]	4[i]
Sonoma	2,489	1,364	781	902	798	54	584	582	2
Stanislaus	3,371	3,630	1,813	1,775	1,811	228	1,595	1,576	19
Sutter	576	477	201	208	244	14	236	236	0
Tehama	588	519	242	246	238	35	198	193	5
Trinity	119	162	80	52	64	7	53	52	1
Tulare	3,068	2,817	1,310	1,399	1,269	83	1,157	1,109	48
Tuolumne	246	188	164	189	176	6	138	138	0
Ventura	1,583	1,219	1,077	1,274	1,340	142	1,176	1,169	7
Yolo	2,071	1,154	641	638	459	22	429	419	10
Yuba	1,169	1,067	486	271[i]	381[i]	12[i]	332[i]	332[i]	0[i]

(A) Sum of felony filings in all lower courts within the county.
(B) All dispositions, including cases which will not be filed in superior court (dismissals and pleas to misdemeanors).
(C) Does not include pleas to misdemeanors. Only includes dispositions which ultimately result in a superior court filing.
(G) (H) + (I)
i Incomplete.

CHAPTER 8

MUNICIPAL AND JUSTICE COURTS

During fiscal year 1988-89, nearly 17 million cases were filed in the municipal and justice courts. Of these, approximately 15.6 million were criminal filings and 1.1 million were civil filings.

Parking violations, which comprise nearly half the criminal cases, usually are handled administratively and thus are not considered in analyzing the workload of the municipal and justice courts.

Felony filings increased 6 percent. The number of felony cases has grown substantially in the last 10 years. Since 1979-80, felony filings have increased 92 percent.

Other significant increases in criminal filings during 1988-89 were an 11 percent increase in nontraffic infraction cases and a 7 percent increase in traffic Group D misdemeanor cases. Filings in both categories have increased dramatically every year since 1979-80, with the exception of a decrease in 1985-86. During the 10-year period, the number of nontraffic infraction cases and Group D misdemeanor cases have tripled.

Two categories of criminal filings declined significantly: nontraffic Group B misdemeanor cases (-3 percent) and traffic Group C misdemeanor cases (-3 percent). The number of Group C cases — driving under the influence (DUI), hit and run and reckless driving — has steadily declined during the last six years.

As of June 30, 1989, 96,818 cases were awaiting trial in municipal courts. The civil calendar had a total of 23,526 cases set for trial, a 7 percent increase over the prior year. Since 1979-80, the total civil cases calendared for trial in municipal courts increased 17 percent.

Despite a 1 percent decrease during 1988-89, total criminal cases awaiting trial in 10 years has increased 52 percent from 48,136 to 73,292.

Municipal and Justice Court Profile

California has two types of trial courts below the superior court — municipal and justice courts.

Since January 1, 1977, the limited jurisdiction of municipal and justice courts has been the same. They have original trial jurisdiction in criminal misdemeanor and infraction cases. Their civil jurisdiction covers matters with a value of $25,000 or less.

Municipal and justice courts also exercise small claims jurisdiction in cases not exceeding $2,000. The jurisdictional limit increased from $1,500 to $2,000, effective January 1, 1989.

In addition, judges at this level act as magistrates, presiding over preliminary hearings in felony cases to determine whether there is reasonable and probable cause to hold a defendant for further proceedings in superior court.

State legislation authorizes the county boards of supervisors to divide the counties into judicial districts. A municipal court is established when the judicial district's population exceeds 40,000. At the close of fiscal year 1988-89, California had 88 municipal courts with 605 judges.

Constitutional provision is made for the establishment of a justice court in each judicial district having a population of 40,000 or less.

The number of justice courts has steadily declined since the municipal and justice court reorganization in 1953. Due to the redistricting by local boards of supervisors, consolidations since 1953 have eliminated 284 justice courts. As of June 30, 1989, there were 65 justice court districts with 66 judges.

Workload Summary and Trend Data

The following charts and tables summarize the workload of the municipal and justice courts for fiscal year 1988-89 along with trend data for the past 10 fiscal years.

Performance indicators measuring total civil and criminal cases awaiting trial and nonparking dispositions per judicial position for the municipal courts are graphically displayed in figures 1-A through 2-E. These charts are grouped according to the number of judicial positions per court.

In order to compare the delay and judicial output of each court with the delay and collective productivity of all municipal courts, a group average and a statewide average are included for each court group.

A corresponding table (Table 1), in addition to providing cases awaiting trial and nonparking dispositions statistics, lists nonparking statistics on filings, contested trials and jury trials for the municipal courts. The table also shows how each court ranks statewide in relation to the other municipal courts with respect to the five indicators.

In ranking the courts, the values are arranged from high to low. A high value in ranking does not necessarily indicate superior performance. For example, a top ranking in the category of "nonparking dispositions per judicial position" does not have the same value as a top ranking in the category of "total criminal and civil cases awaiting trial per judicial position."

The historical data are presented in Tables 2 through 8 and Figures 3 through 12. The data combines municipal and justice courts to permit a clearer view of the effects of changes in legislation or the reporting of filings and dispositions without the complication of adjusting data for justice courts that have consolidated into municipal courts.

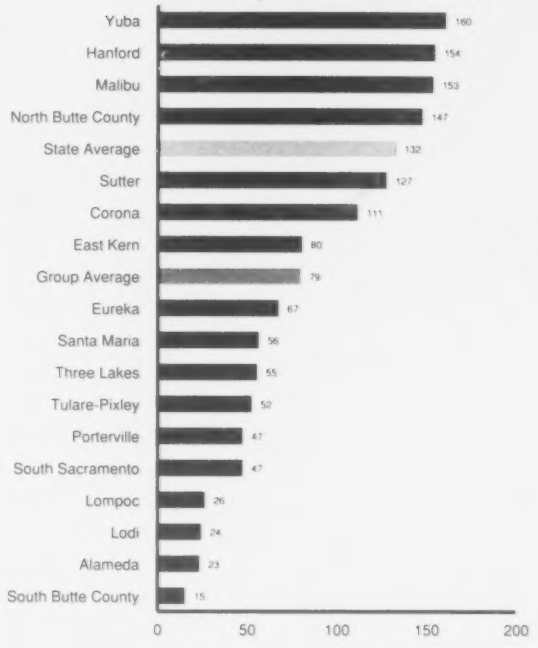
Figure 1-A

- Municipal courts with one or two judicial positions had the lowest group average number of criminal and civil cases awaiting trial of the five group categories. The group average (79) is much lower than the statewide average (139).
- The South Butte County Municipal Court, the Alameda Municipal Court, the Lodi Municipal Court and the Lompoc Municipal Court had the first, second, third, and fifth lowest average numbers of pending cases, respectively.
- Alameda was among the top 10 municipal courts with the largest number of filings per judicial position statewide (See table 1).

Figure 1-B

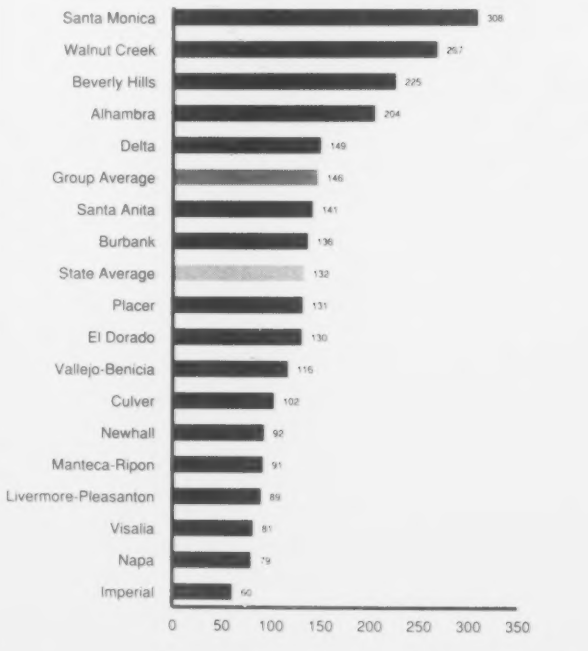
- With half the municipal courts in this category reporting lower average numbers of criminal and civil cases awaiting trial this year than last, their group average declined, going from the highest average last year to the second highest this year.

FIGURE 1-A-For Municipal Courts with One to Two Judicial Positions Total Cases Awaiting Trial Per Position At the End of Fiscal Year 1988-89



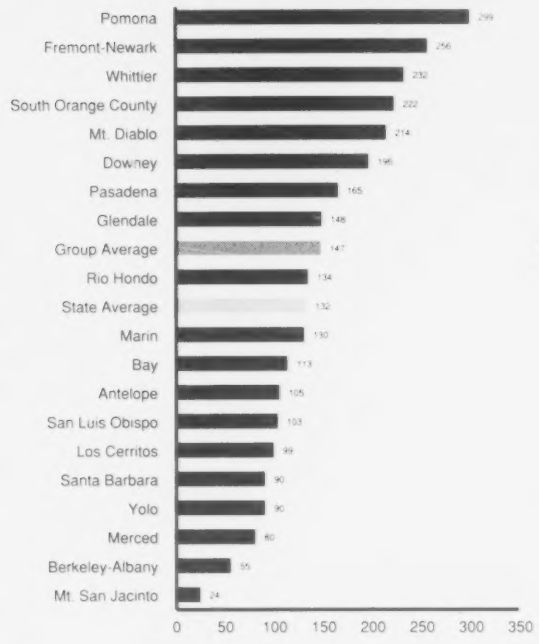
SOURCE: TABLE 1

FIGURE 1-B-For Municipal Courts with Three to Four Judicial Positions Total Cases Awaiting Trial Per Position At the End of Fiscal Year 1988-89



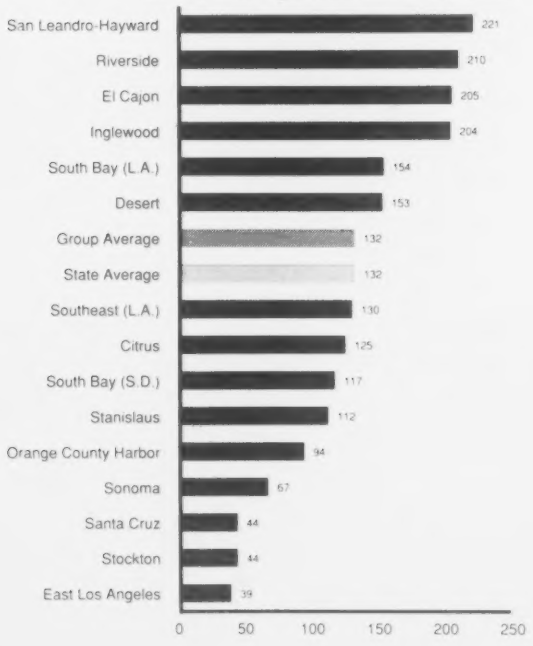
SOURCE: TABLE 1

FIGURE 1-C-For Municipal Courts with Five to Six Judicial Positions Total Cases Awaiting Trial Per Position At the End of Fiscal Year 1988-89



SOURCE: TABLE 1

FIGURE 1-D-For Municipal Courts with Seven to Ten Judicial Positions Total Cases Awaiting Trial Per Position At the End of Fiscal Year 1988-89



SOURCE: TABLE 1

Figure 1-C

- Municipal courts with five or six judicial positions had the highest overall average of untried cases. Their group average number of cases awaiting trial (147) was the highest among the five court categories.
- Five municipal courts in this group, Fremont-Newark-Union City, Pomona, Mt. Diablo, South Orange County and Whittier, ranked in the top 10 among the statewide average numbers of pending caseloads.
- Two courts had average numbers of pending cases that were well below the lowest group average (79) for courts in the category of 'one or two judicial positions.' The Mt. San Jacinto Municipal Court reported 24 cases awaiting trial per position and Berkeley-Albany Municipal Court had 55 cases awaiting trial per position.

Figure 1-D

- The group average number of cases awaiting trial for courts with seven to 10 judicial positions was equal to the statewide average of 132 cases awaiting trial per judicial position.

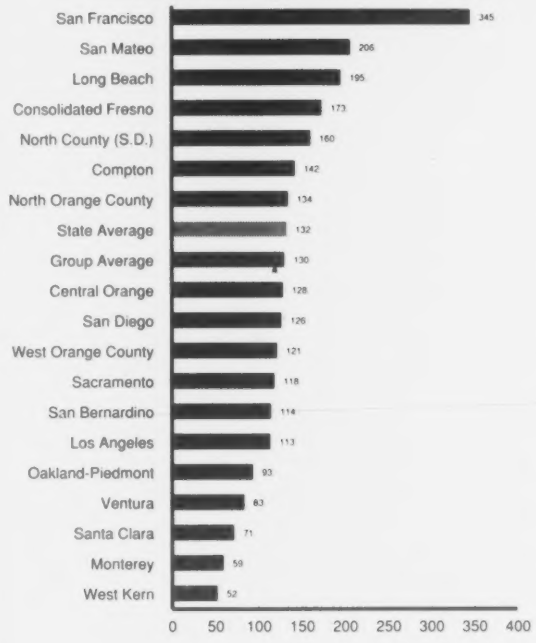
Figure 1-E

- The San Francisco Municipal Court had the highest average number of criminal and civil cases awaiting trial per judicial position (345) statewide.
- Exclusive of the San Francisco Municipal Court, the group average for courts with 11 or more judicial positions decreased from 130 to 117 cases awaiting trial per position, which is below the statewide average (132).

Figure 2-A

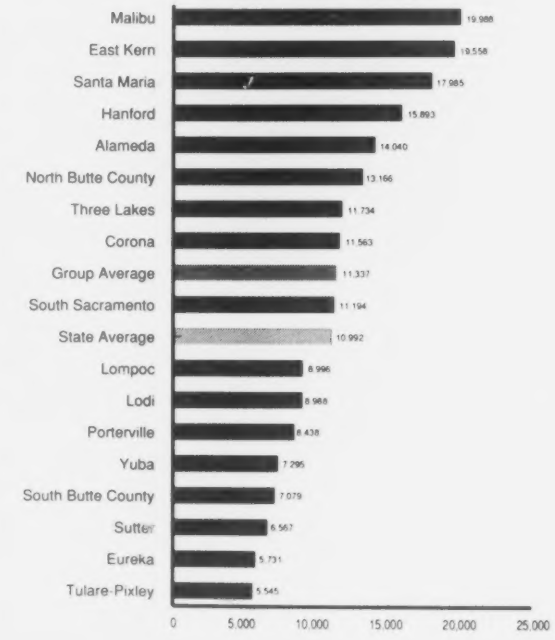
- This group had the most variation in the rate of nonparking dispositions per judicial position. It included four courts that ranked in the top 10 and five courts that ranked in the bottom 10 among the statewide average numbers of nonparking dispositions.
- The Malibu Municipal Court with 19,998 nonparking dispositions per judicial position and the West Kern Municipal Court with 19,558 dispositions per judicial position had, respectively, the second and third highest averages in the state.

FIGURE 1-E-For Municipal Courts with Eleven or More Judicial Positions Total Cases Awaiting Trial Per Position At the End of Fiscal Year 1988-89



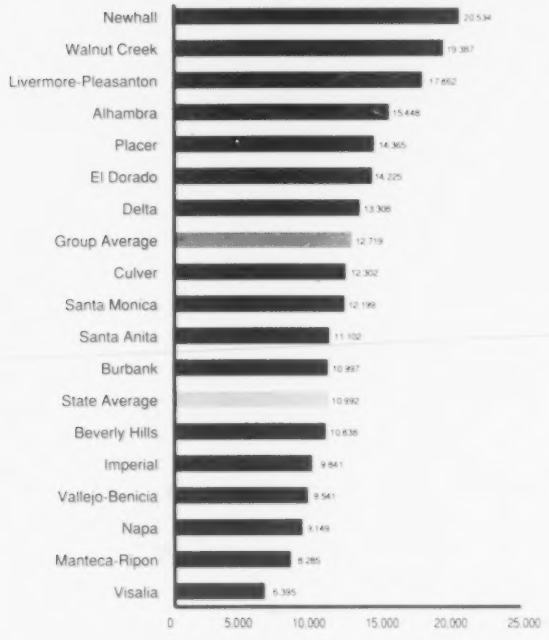
SOURCE: TABLE 1

FIGURE 2-A-For Municipal Courts with One to Two Judicial Positions Nonparking Dispositions Per Position Fiscal Year 1988-89



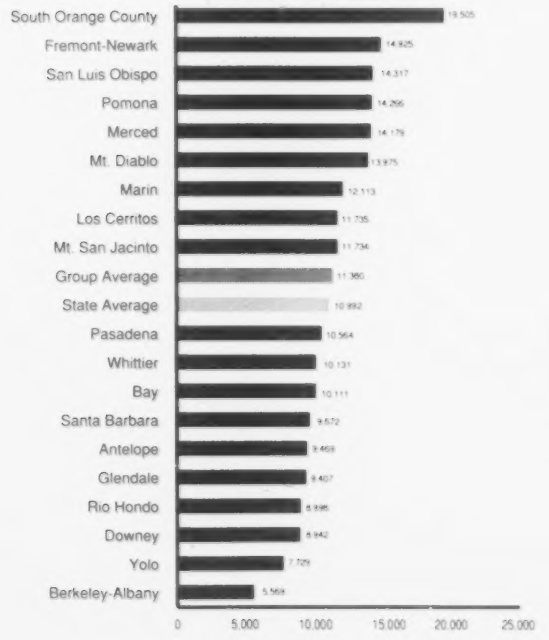
SOURCE: TABLE 1

FIGURE 2-B-For Municipal Courts with Three to Four Judicial Positions Nonparking Dispositions Per Position Fiscal Year 1988-89



SOURCE: TABLE 1

FIGURE 2-C-For Municipal Courts with Five to Six Judicial Positions Nonparking Dispositions Per Position Fiscal Year 1988-89



SOURCE: TABLE 1

Figure 2-B

- Municipal courts with three or four judicial positions reported the highest group average of the five groups with 12,719 nonparking cases disposed of per judicial position. This is well above the statewide average (10,992).
- Of the 17 courts in this group, 11 had higher average numbers of nonparking dispositions per judicial position than the average number among all the municipal courts statewide.
- The Newhall Municipal Court had the highest nonparking dispositions per judicial position (20,534) statewide.

Figure 2-C

- The South Orange County Municipal Court had the fourth highest number (19,505) of nonparking dispositions per judicial position statewide. The Berkeley-Albany Municipal Court had the second lowest (5,569) average statewide. The averages for the remaining 17 courts were almost evenly distributed around the group average (11,380).

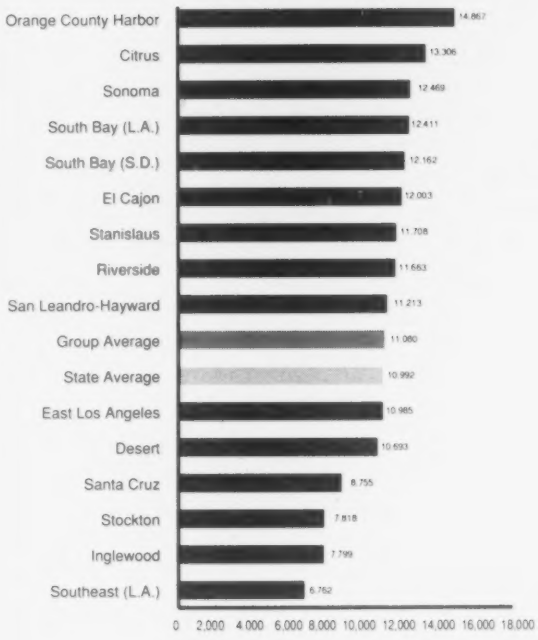
Figure 2-D

- Municipal courts with seven to 10 judicial positions had the second lowest average number of nonparking dispositions per judicial position (11,080). This group average did not differ much from the statewide average (10,992).

Figure 2-E

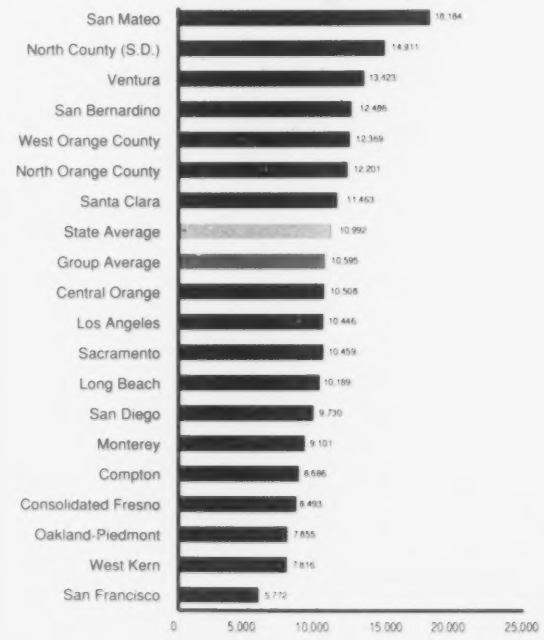
- Although municipal courts with 11 or more judicial positions are the largest courts, they reported the lowest average number of nonparking dispositions per judicial position of the five groups. Their group average (10,595) was the only one of the five group averages to fall below the statewide average (10,992).

FIGURE 2-D-For Municipal Courts with Seven to Ten Judicial Positions Nonparking Dispositions Per Position Fiscal Year 1988-89



SOURCE: TABLE 1

FIGURE 2-E-For Municipal Courts with Eleven or More Judicial Positions Nonparking Dispositions Per Position Fiscal Year 1988-89



SOURCE: TABLE 1

Municipal and Justice Courts Table 1

Municipal Court Cases Awaiting Trial, Nonparking Filings, Dispositions, Contested Trials, And Jury Trials per Judicial Position Fiscal Year 1988-89

		Cases awaiting trial			*Filings*			*Dispositions*			*Contested trials*			*Jury trials*		
County/Court	*Judicial positions as of 6/30/89*	*Total as of 6/30/89*	*Per judicial position*	*Rank*	*Total*	*Per judicial position*	*Rank*	*Total*	*Per judicial position*	*Rank*	*Total*	*Per judicial position*	*Rank*	*Total*	*Per judicial position*	*Rank*
	(A)	(B)			(C)			(D)			(E)			(F)		
Statewide[a]	**737**	**96,818**	**132**	**-**	**9,384,634**	**12,720**	**-**	**8,110,833**	**10,992**	**-**	**297,319**	**403**	**-**	**6,562**	**9**	**-**
Alameda County																
Alameda	2	45	23	85	36,512	18,256	9	28,080	14,040	19	954	477	29	0	0	86
Berkeley-Albany	5	273	55	74	29,514	5,903	86	27,844	5,569	85	1,297	259	82	18	4	80
Fremont-Newark	6	1,535	256	5	98,479	16,413	14	89,551	14,925	11	3,487	581	17	21	4	81
Livermore-Pleasanton	3	268	89	61	58,327	19,442	7	53,585	17,862	8	1,786	595	13	13	4	77
Oakland-Piedmont-Emeryville	17	1,579	93	56	162,181	9,540	71	133,540	7,855	73	6,606	389	51	98	6	67
San Leandro-Hayward	9	1,990	221	9	107,151	11,906	51	100,920	11,213	42	3,633	404	47	58	6	64
Butte County																
North Butte County	2	293	147	28	28,858	14,429	31	26,331	13,166	24	1,212	606	12	9	5	76
South Butte County	2	29	15	86	15,864	7,932	81	14,158	7,079	79	448	224	84	18	9	38
Contra Costa County																
Bay	6	680	113	48	70,540	11,757	55	60,666	10,111	55	3,543	591	16	77	13	24
Delta	3	447	149	26	48,904	16,301	15	39,923	13,308	22	2,331	777	3	81	27	2
Mt. Diablo	5	1,069	214	10	74,491	14,898	25	69,875	13,975	20	3,311	662	9	70	14	20
Walnut Creek-Danville	4	1,066	267	4	80,653	20,163	6	77,547	19,387	5	4,016	1,004	1	90	23	4
El Dorado County																
El Dorado	3	389	130	36	42,375	14,125	35	42,675	14,225	17	2,210	737	4	22	7	53
Fresno County																
Consolidated Fresno	12	2,081	173	18	122,000	10,167	67	101,910	8,493	70	3,541	295	73	92	8	50
Humboldt County																
Eureka	2	133	67	69	12,566	6,283	85	11,462	5,731	84	555	278	79	16	8	46
Imperial County																
Imperial	4	239	60	70	59,441	14,860	26	39,363	9,841	56	653	163	86	26	7	63
Kern County																
East Kern	2	160	80	65	46,447	23,224	2	39,116	19,558	3	1,367	684	8	29	15	18
West Kern	11	577	52	75	102,903	9,355	74	85,975	7,816	75	2,759	251	83	88	8	47
Kings County																
Hanford	1	154	154	23	16,007	16,007	19	15,893	15,893	9	959	959	2	19	19	6
Los Angeles County																
Alhambra	4	815	204	15	64,061	16,015	18	61,792	15,448	10	2,261	565	20	29	7	54
Antelope	5	524	105	51	49,657	9,931	70	47,343	9,469	60	1,403	281	77	53	11	30
Beverly Hills	4	899	225	7	46,126	11,532	59	43,350	10,838	47	1,545	386	52	30	8	52
Burbank	3	408	136	31	37,510	12,503	46	32,992	10,997	45	1,090	363	53	5	2	85
Citrus	9	1,126	125	41	136,100	15,122	22	119,755	13,306	23	4,506	501	25	162	18	8
Compton	13	1,841	142	29	129,981	9,999	69	112,923	8,686	69	4,190	322	65	60	5	75
Culver	3	306	102	53	42,638	14,213	33	36,905	12,302	29	1,422	474	31	17	6	68
Downey	6	1,178	196	16	62,316	10,386	65	53,653	8,942	67	1,973	329	64	74	12	27
East Los Angeles	7	275	39	81	82,326	11,761	54	76,894	10,985	46	2,415	345	55	64	9	35
Glendale	5	741	148	27	50,849	10,170	66	47,036	9,407	61	2,604	521	23	88	18	9
Inglewood	8	1,631	204	14	71,189	8,899	78	62,393	7,799	76	2,707	338	58	26	3	82
Long Beach	13	2,535	195	17	153,530	11,810	53	132,455	10,189	53	3,834	295	74	94	7	55
Los Angeles	111	12,598	113	47	1,345,879	12,125	48	1,159,453	10,446	52	36,581	330	63	864	8	48
Los Cerritos	5	497	99	54	62,631	12,526	45	58,675	11,735	35	2,047	409	45	91	18	7

Municipal and Justice Courts Table 1 (Continued)

Municipal Court Cases Awaiting Trial, Nonparking Filings, Dispositions, Contested Trials, And Jury Trials per Judicial Position Fiscal Year 1988-89

		Cases awaiting trial			Filings			Dispositions			Contested trials			Jury trials		
County/Court	Judicial positions as of 6/30/89	Total as of 6/30/89	Per judicial position	Rank	Total	Per judicial position	Rank	Total	Per judicial position	Rank	Total	Per judicial position	Rank	Total	Per judicial position	Rank
	(A)	(B)			(C)			(D)			(E)			(F)		
Los Angeles (continued)																
Malibu	2	306	153	25	46,137	23,069	3	39,976	19,988	2	931	466	33	6	3	83
Newhall	3	275	92	57	71,692	23,897	1	61,603	20,534	1	1,422	474	30	47	16	12
Pasadena	6	992	165	19	76,143	12,691	44	63,382	10,564	49	3,130	522	21	45	8	51
Pomona	5	1,493	299	3	80,519	16,104	16	71,332	14,266	16	2,877	575	18	68	14	22
Rio Hondo	6	804	134	32	63,836	10,639	64	53,985	8,998	64	1,895	316	67	90	15	16
Santa Anita	3	424	141	30	35,711	11,904	52	33,307	11,102	44	1,330	443	38	16	5	70
Santa Monica	4	1,233	308	2	51,978	12,995	41	48,796	12,199	31	1,701	425	40	36	9	37
South Bay	10	1,544	154	22	134,971	13,497	39	124,108	12,411	27	4,690	469	32	85	9	39
Southeast	9	1,167	130	37	69,567	7,730	83	60,857	6,762	80	2,554	284	76	85	9	33
Whittier	6	1,393	232	6	64,711	10,785	63	60,783	10,131	54	3,125	521	22	92	15	13
Marin County																
Marin	6	780	130	35	86,101	14,350	32	72,679	12,113	33	2,867	478	28	38	6	65
Merced County																
Merced	5	401	80	64	77,971	15,594	21	70,897	14,179	18	2,017	403	48	10	2	84
Monterey County																
Monterey	11	648	59	71	122,305	11,119	60	100,116	9,101	63	4,492	408	46	159	14	19
Napa County																
Napa	3	238	79	66	28,524	9,508	72	27,447	9,149	62	1,457	486	27	38	13	26
Orange County																
Central Orange County	15	1,922	128	38	180,196	12,013	50	157,624	10,508	50	4,688	313	68	103	7	60
North Orange County	14	1,872	134	33	202,306	14,450	30	170,816	12,201	30	6,479	463	35	115	8	44
Orange County Harbor	10	939	94	55	160,648	16,065	17	148,670	14,867	13	4,609	461	36	71	7	57
South Orange County	5	1,108	222	8	106,489	21,298	4	97,526	19,505	4	3,675	735	5	75	15	14
West Orange County	12	1,456	121	42	169,084	14,090	36	148,429	12,369	28	6,899	575	19	100	8	42
Placer County																
Placer	4	523	131	34	62,850	15,713	20	57,458	14,365	14	2,800	700	6	51	13	25
Riverside County																
Corona	2	222	111	50	29,483	14,742	27	23,125	11,563	40	1,281	641	10	21	11	31
Desert	8	1,226	153	24	116,360	14,545	29	85,545	10,693	48	3,123	390	49	54	7	62
Mt. San Jacinto	5	122	24	83	74,800	14,960	24	58,671	11,734	36	1,698	340	56	42	8	41
Riverside	9	1,893	210	11	119,931	13,326	40	104,969	11,663	39	3,745	416	42	51	6	69
Three Lakes	2	110	55	73	33,027	16,514	12	23,467	11,734	37	1,256	628	11	18	9	36
Sacramento County																
Sacramento	20	2,369	118	43	256,147	12,807	43	209,175	10,459	51	6,774	339	57	103	5	71
South Sacramento	1	47	47	77	15,069	15,069	23	11,194	11,194	43	389	389	50	5	5	72
San Bernardino County																
San Bernardino	28	3,190	114	46	390,041	13,930	37	349,612	12,486	25	13,699	489	26	200	7	56
San Diego County																
El Cajon	10	2,047	205	13	136,753	13,675	38	120,029	12,003	34	3,472	347	54	58	6	66
North County	12	1,921	160	20	206,645	17,220	10	178,928	14,911	12	6,199	517	24	202	17	10
San Diego	32	4,042	126	40	385,562	12,049	49	311,366	9,730	57	13,129	410	44	248	8	49
South Bay	7	816	117	44	99,448	14,207	34	85,137	12,162	32	4,851	693	7	146	21	5
San Francisco County																
San Francisco	23	7,932	345	1	201,591	8,765	79	132,759	5,772	83	7,585	330	62	216	9	34

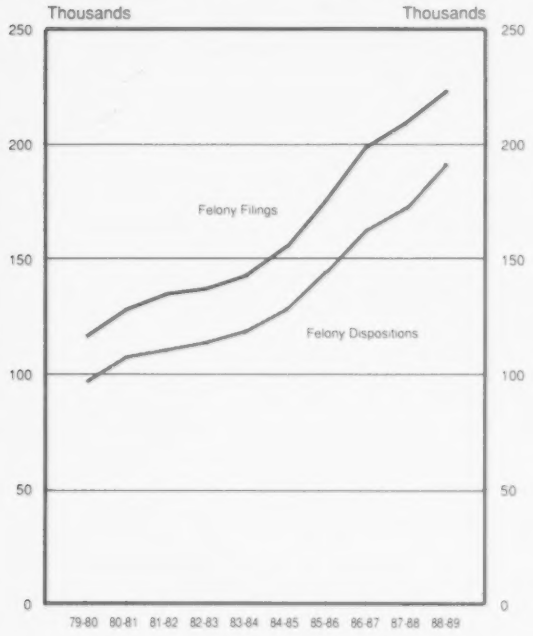
Municipal and Justice Courts Table 1 (Continued)

Municipal Court Cases Awaiting Trial, Nonparking Filings, Dispositions, Contested Trials, And Jury Trials per Judicial Position Fiscal Year 1988-89

County/Court	Judicial positions as of 6/30/89	Cases awaiting trial: Total as of 6/30/89	Cases awaiting trial: Per judicial position	Cases awaiting trial: Rank	Filings: Total	Filings: Per judicial position	Filings: Rank	Dispositions: Total	Dispositions: Per judicial position	Dispositions: Rank	Contested trials: Total	Contested trials: Per judicial position	Contested trials: Rank	Jury trials: Total	Jury trials: Per judicial position	Jury trials: Rank
	(A)	(B)			(C)			(D)			(E)			(F)		
San Joaquin County																
Lodi	2	47	24	84	24,410	12,205	47	17,976	8,988	66	670	335	59	10	5	73
Manteca-Ripon-Escalon-Tracy	4	365	91	58	43,396	10,849	61	33,141	8,285	72	1,235	309	69	28	7	59
Stockton	8	349	44	80	73,654	9,207	76	62,546	7,818	74	2,544	318	66	65	8	45
San Luis Obispo County																
San Luis Obispo	5	516	103	52	82,095	16,419	13	71,583	14,317	15	2,077	415	43	75	15	15
San Mateo County																
San Mateo	12	2,469	206	12	219,879	18,323	8	218,210	18,184	6	7,137	595	14	188	16	11
Santa Barbara County																
Lompoc	1	26	26	82	10,131	10,131	68	8,996	8,996	65	332	332	60	7	7	58
Santa Barbara	6	537	90	60	57,008	9,501	73	58,033	9,672	58	2,790	465	34	24	4	78
Santa Maria	2	112	56	72	42,433	21,217	5	35,970	17,985	7	1,186	593	15	49	25	3
Santa Clara County																
Santa Clara	40	2,825	71	67	516,338	12,908	42	458,530	11,463	41	11,937	298	71	197	5	74
Santa Cruz County																
Santa Cruz	7	311	44	79	75,824	10,832	62	61,287	8,755	68	2,314	331	61	58	8	43
Shasta County																
Shasta[b]	4	523	131	-	25,588	6,397	-	21,222	5,306	-	1,010	253	-	15	4	-
Redding[b]	-	-	-	-	11,609	-	-	11,121	-	-	609	-	-	8	-	-
Solano County																
Northern Solano[c]	-	-	-	-	62,010	-	-	55,736	-	-	1,630	-	-	30	-	-
Northern Solano (cons)[c]	5	553	111	-	25,014	5,003	-	20,344	4,069	-	596	119	-	13	3	-
Vallejo-Benicia	3	348	116	45	34,949	11,650	57	28,622	9,541	59	1,250	417	41	33	11	29
Sonoma County																
Sonoma	8	537	67	68	117,645	14,706	28	99,754	12,469	26	2,231	279	78	29	4	79
Stanislaus County																
Stanislaus	9	1,004	112	49	104,207	11,579	58	105,371	11,708	38	3,980	442	39	117	13	23
Sutter County																
Sutter	2	253	127	39	15,471	7,736	82	13,134	6,567	81	600	300	70	17	9	40
Tulare County																
Porterville	2	93	47	78	18,032	9,016	77	16,875	8,438	71	594	297	72	24	12	28
Tulare-Pixley	2	104	52	76	15,177	7,589	84	11,089	5,545	86	410	205	85	28	14	21
Visalia	3	243	81	63	27,983	9,328	75	19,184	6,395	82	878	293	75	120	40	1
Ventura County																
Ventura	12	999	83	62	201,560	16,797	11	161,072	13,423	21	5,336	445	37	177	15	17
Yolo County																
Yolo	5	448	90	59	58,581	11,716	56	38,646	7,729	77	1,362	272	80	34	7	61
Yuba County																
Yuba	2	320	160	21	17,038	8,519	80	14,590	7,295	78	526	263	81	20	10	32

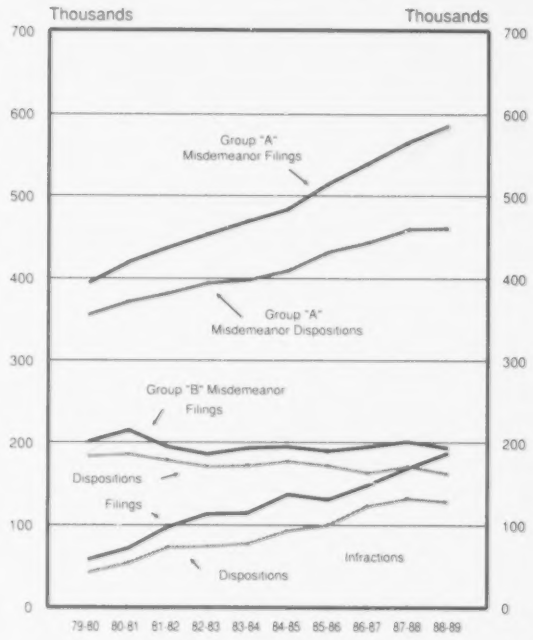
(A) Judicial positions include full-time court commissioners and referees in addition to the number of judges authorized for the court.
(B) Includes criminal (parking and nonparking) and civil cases set for trial, and civil cases in which a memoranda to set has been filed but no trial date has been assigned. Excludes small claims cases.
a Statewide per judicial position figures exclude those courts which were consolidated during fiscal year 1988-89.
b On January 1, 1989, Redding Municipal Court combined with Anderson Justice Court, Burney Justice Court, and Central Valley Justice Court to form the Shasta Municipal Court.
c On March 23, 1989, Rio Vista Justice Court combined with Northern Solano Municipal Court to form the Northern Solano Consolidated Municipal Court.

FIGURE 3-Felony Filings and Dispositions
Fiscal Years 1979-80 through 1988-89



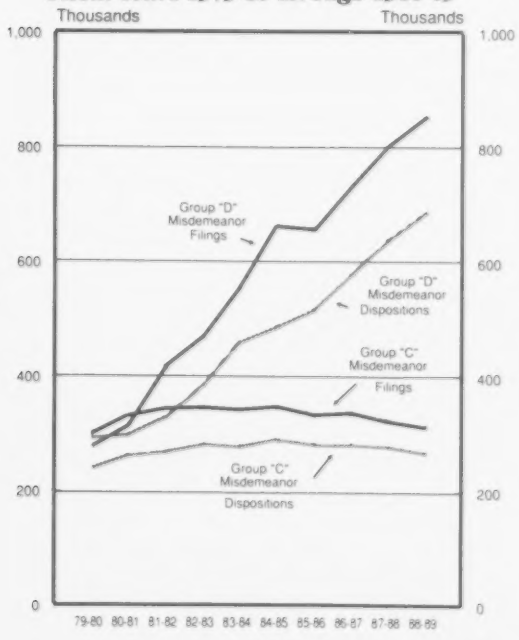
SOURCE: TABLE 3

FIGURE 4-Nontraffic Filings and Dispositions
Fiscal Years 1979-80 through 1988-89



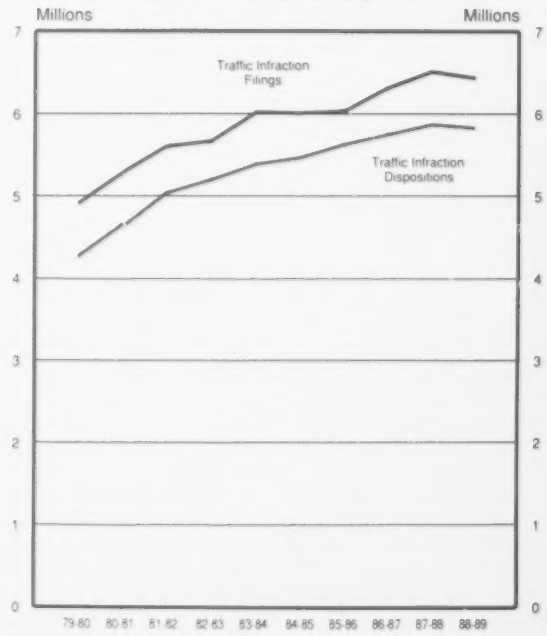
SOURCE: TABLE 3

FIGURE 5-Misdemeanor Traffic
Filings and Dispositions
Fiscal Years 1979-80 through 1988-89



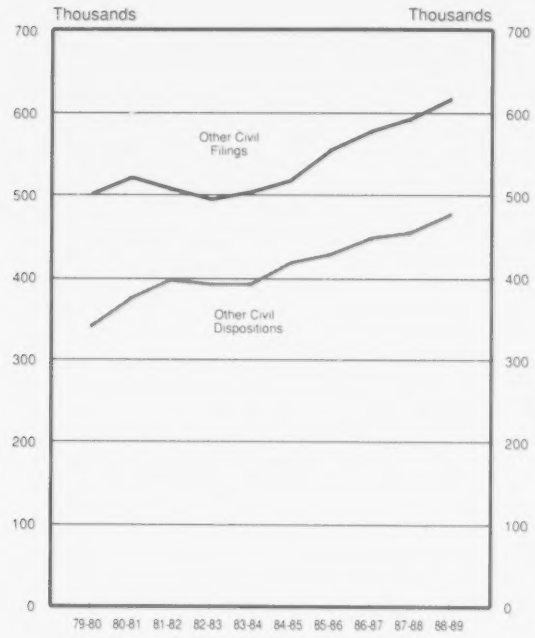
SOURCE: TABLE 3

FIGURE 6-Traffic Infractions
Filings and Dispositions
Fiscal Years 1979-80 through 1988-89



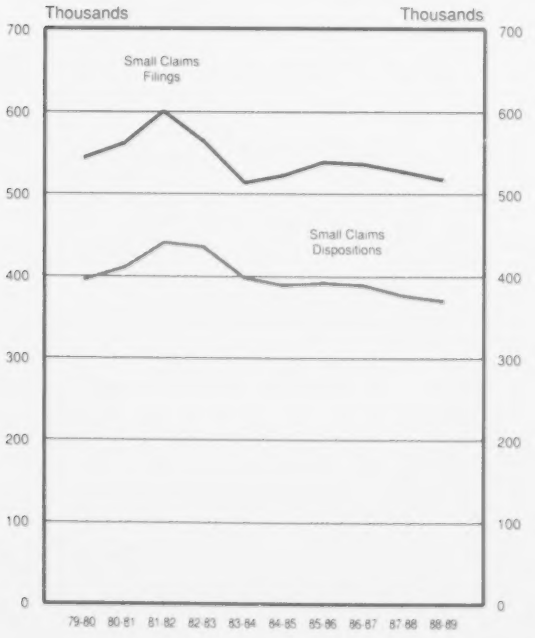
SOURCE: TABLE 3

FIGURE 7-Civil Filings and Dispositions Fiscal Years 1979-80 through 1988-89



SOURCE: TABLE 2

FIGURE 8-Small Claims Filings and Dispositions Fiscal Years 1979-80 through 1988-89



SOURCE: TABLE 2

Municipal and Justice Courts Table 2

Total Filings and Dispositions Fiscal Years 1979-80 through 1988-89

Fiscal year	*Total* (A)	*Criminal* (B)	*Civil*		
			Total (C)	*Small claims* (D)	*Other* (E)
Filings					
1979-80	18,074,479	17,030,828	1,043,651	544,161	499,490
1980-81	17,477,656	16,394,374	1,083,282	561,908	521,374
1981-82	17,480,877[r]	16,374,892[r]	1,105,985	598,165	507,820
1982-83	17,166,536	16,106,602	1,059,934	565,738	494,196
1983-84	17,583,294	16,567,069	1,016,225	512,804	503,421
1984-85	17,990,272	16,949,983	1,040,289	521,766	518,523
1985-86	17,240,055	16,146,629	1,093,426	539,153	554,273
1986-87	16,792,464	15,676,922	1,115,542	538,013	577,529
1987-88	17,142,661[r]	16,022,697[r]	1,119,964 [r]	527,708[r]	592,256[r]
1988-89	**16,723,029**	**15,587,463**	**1,135,566**	**518,920**	**616,646**
Dispositions					
1979-80	14,102,163	13,367,179	734,984	395,384	339,600
1980-81	14,915,207	14,129,170	786,037	412,258	373,779
1981-82	15,064,589	14,226,897	837,692	441,531	396,161
1982-83	15,876,176	15,048,588	827,588	437,093	390,495
1983-84	15,636,602	14,845,732	790,870	399,969	390,901
1984-85	15,567,811	14,759,454	808,357	390,005	418,352
1985-86	14,833,736	14,014,775	818,961	390,810	428,151
1986-87	14,137,596	13,299,659	837,937	389,649	448,288
1987-88	14,378,146[r]	13,548,718[r]	829,428 [r]	375,490[r]	453,938[r]
1988-89	**14,226,800**	**13,379,080**	**847,720**	**369,424**	**478,296**
Dispositions per 100 filings					
1979-80	78	78	70	73	68
1980-81	85	86	73	73	72
1981-82	86	87	76	74	78
1982-83	92	93	78	77	79
1983-84	89	90	78	78	78
1984-85	87	87	78	75	81
1985-86	86	87	75	72	77
1986-87	84	85	75	72	78
1987-88	84	85	74	71	77
1988-89	**85**	**86**	**75**	**71**	**78**

(A) (B) + (C)
(B) From Table 5 column (A)
(C) (D) + (E)
r Revised

Municipal and Justice Courts Table 3

Criminal Filings and Dispositions By Type of Proceeding Fiscal Years 1979-80 through 1988-89

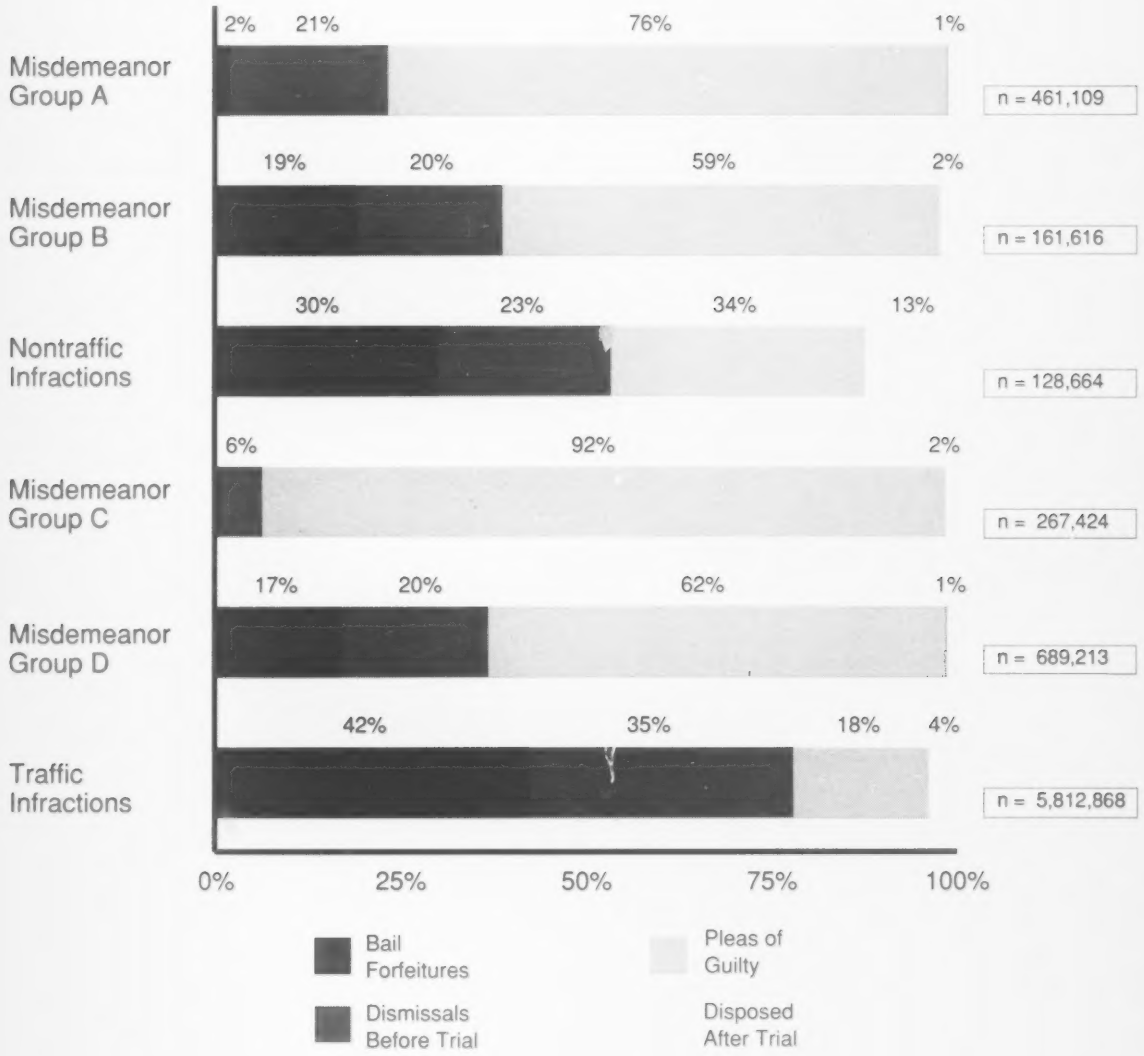
			Nontraffic			Traffic			
			Misdemeanors			Misdemeanors			
Fiscal year	*Total* (A)	*Felonies* (B)	*Group A* (C)	*Group B* (D)	*Infractions* (E)	*Group C* (F)	*Group D* (G)	*Infractions* (H)	*Illegal parking* (I)
Filings									
1979-80	17,030,828	115,849	393,384	201,591	57,177	302,687	279,409	4,910,528	10,770,203
1980-81	16,394,374	128,850	417,644	214,648	72,775	334,461	315,849	5,272,515	9,637,632
1981-82	16,374,892[r]	134,277	436,181[r]	196,621[r]	95,826	342,740	416,737	5,606,418	9,146,092
1982-83	16,106,602	137,302	452,719	185,093	110,422	347,405	471,144	5,668,486	8,734,031
1983-84	16,567,069	143,480	470,652	192,180	113,918	344,186	550,462	6,025,383	8,726,808
1984-85	16,949,983	155,875	484,005	196,165	137,276	345,218	664,941	5,991,817	8,974,686
1985-86	16,146,629	175,305	514,201	190,030	130,368	332,469	659,000	6,029,905	8,115,351
1986-87	15,676,922	198,182	539,338	196,983	148,272	337,093	732,245	6,309,738	7,215,071
1987-88	16,022,697[r]	209,121[r]	565,022[r]	200,127[r]	169,427[r]	322,993[r]	798,671[r]	6,526,311[r]	7,231,025[r]
1988-89	**15,587,463**	**222,243**	**583,443**	**193,885**	**187,318**	**312,219**	**854,057**	**6,440,991**	**6,793,307**
Dispositions									
1979-80	13,367,179	96,782	355,136	182,992	42,861	241,385	295,406	4,259,173	7,893,444
1980-81	14,129,170	107,640	371,907	186,672	55,887	261,244	296,499	4,660,124	8,189,197
1981-82	14,226,897	109,959	380,819	179,471	72,019	269,601	328,683	5,038,116	7,848,229
1982-83	15,048,588	113,943	394,579	171,733	75,413	281,989	385,124	5,196,621	8,429,186
1983-84	14,845,732	118,411	399,063	171,584	75,824	280,160	458,695	5,397,749	7,944,246
1984-85	14,759,454	128,689	409,174	176,084	91,881	288,733	487,530	5,477,941	7,699,422
1985-86	14,014,775	144,881	429,917	170,888	99,660	283,513	516,567	5,631,086	6,738,263
1986-87	13,299,659	162,533	443,776	163,944	124,026	283,094	579,474	5,740,069	5,802,743
1987-88	13,548,718[r]	172,974[r]	459,428[r]	170,286[r]	131,312[r]	281,155[r]	637,733[r]	5,866,084[r]	5,829,746[r]
1988-89	**13,379,080**	**191,001**	**461,109**	**161,616**	**128,664**	**267,424**	**689,213**	**5,812,868**	**5,667,185**
Dispositions per 100 filings									
1979-80	78	84	90	91	75	80	106	87	73
1980-81	86	84	89	87	77	78	94	88	85
1981-82	87	82	87	91	75	79	79	90	86
1982-83	93	83	87	93	68	81	82	92	97
1983-84	90	83	85	89	67	81	83	90	91
1984-85	87	83	85	90	67	84	73	91	86
1985-86	87	83	84	90	76	85	78	93	83
1986-87	85	82	82	83	84	84	79	91	80
1987-88	85	83	81	85	78	87	80	90	81
1988-89	**86**	**86**	**79**	**83**	**69**	**86**	**81**	**90**	**83**

(A) Sum of columns (B) through (I).
r Revised.

FIGURE 9-Felony Dispositions Fiscal Years 1988-89, 1987-88 and 1979-80

Fiscal Year 1988-89
Dismissals Before Hearing (32,221) 17%
Disposed After Hearing (79,332) 42%
Pleas of Guilty to Felony (58,508) 31%
Pleas of Guilty to Misdemeanor (20,940) 11%
Fiscal Year 1987-88
Dismissals Before Hearing (30,594) 18%
Disposed After Hearing (73,548) 43%
Pleas of Guilty to Felony (48,374) 28%
Pleas of Guilty to Misdemeanor (20,458) 12%
Fiscal Year 1979-80
Dismissals Before Hearing (20,973) 22%
Disposed After Hearing (50,202) 52%
Pleas of Guilty to Felony (9,354) 10%
Pleas of Guilty to Misdemeanor (16,253) 17%

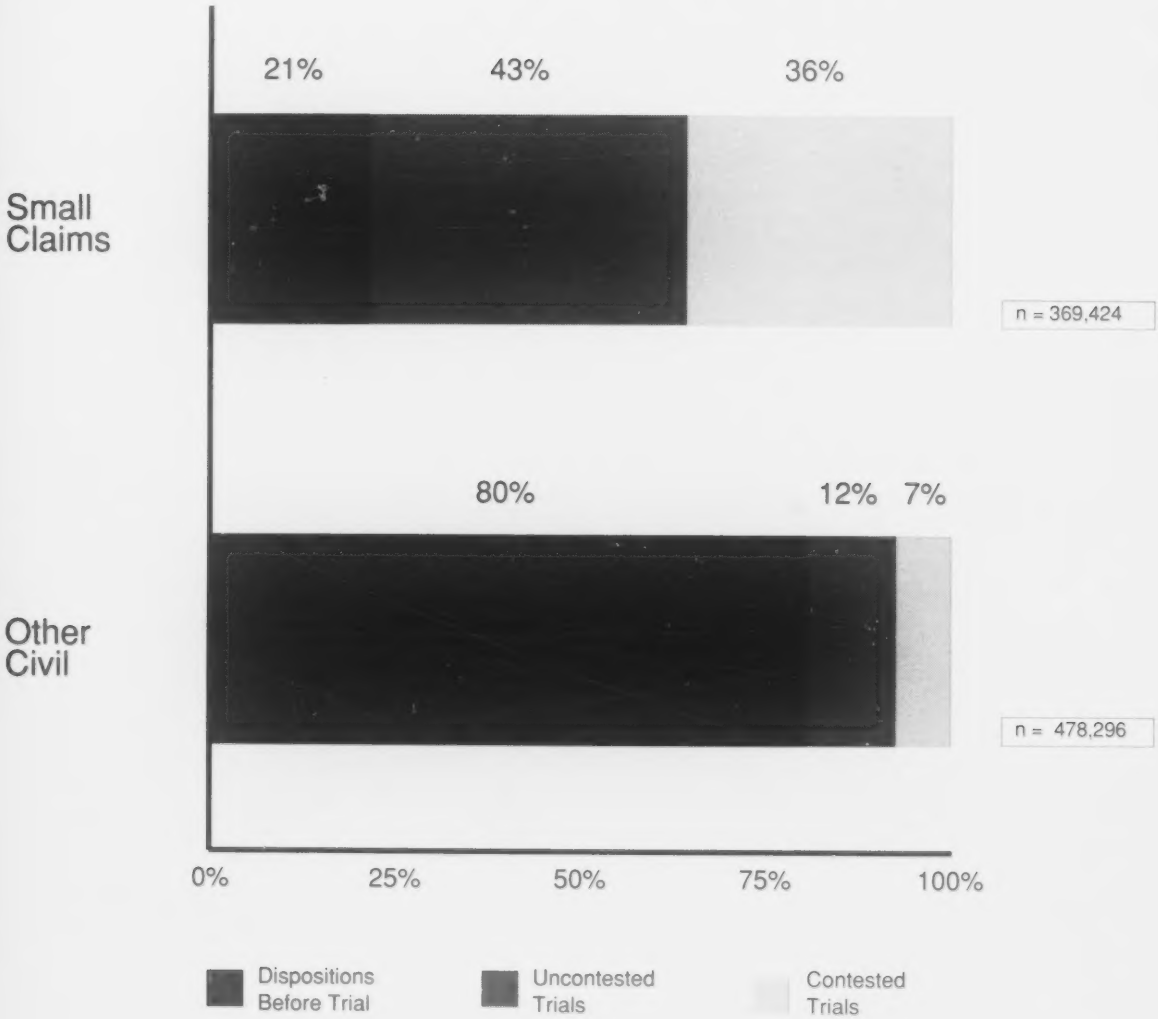
*FIGURE 10-Criminal Dispositions * Fiscal Year 1988-89*



* Percentages may not add to 100% due to rounding.
Cases transferred to another court are included in dismissals before trial.

SOURCE: TABLE 4

*FIGURE 11-Civil Dispositions * Fiscal Year 1988-89*



* Percentages may not add to 100% due to rounding.

SOURCE: TABLE 4

Municipal and Justice Courts Table 4

Dispositions Fiscal Years 1988-89, 1987-88 and 1979-80

Type of proceeding	*Fiscal year*	*Total* (A)	*Before trial*			*After trial*	
			Bail forfeitures (B)	*Pleas of guilty* (C)	*Other* (D)	*Uncontested* (E)	*Contested* (F)
Total nonparking	1988-89	8,559,615	2,657,356	2,306,141	2,865,806	417,228	313,084
	1987-88	8,548,400	3,052,701	2,055,638	2,732,456	389,902	317,703
	1979-80	6,208,719	2,777,894	1,403,728	1,404,678	376,505	245,914
Total criminal (Excludes parking)	1988-89	7,711,895	2,657,356	2,306,141	2,402,702	200,801	144,895
	1987-88	7,718,972	3,052,701	2,055,638	2,289,302	170,538	150,793
	1979-80	5,473,735	2,777,894	1,403,728	1,063,518	133,093	95,502
Felony preliminaries	1988-89	191,001	-	79,448	32,221	67,178	12,154
	1987-88	172,974	-	68,832	30,594	61,503	12,045
	1979-80	96,782	-	25,607	20,973	44,518	5,684
Misdemeanor group A	1988-89	461,109	8,511	348,459	97,892	1,235	5,012
	1987-88	459,428	12,373	342,037	98,724	1,273	5,021
	1979-80	355,136	15,492	244,046	83,890	3,058	8,650
Misdemeanor group B	1988-89	161,616	30,682	95,379	31,633	2,326	1,596
	1987-88	170,286	38,973	100,252	28,635	714	1,712
	1979-80	182,992	44,093	105,139	30,238	1,428	2,094
Nontraffic infractions	1988-89	128,664	38,640	44,097	29,759	13,870	2,298
	1987-88	131,312	55,643	34,848	30,991	7,700	2,130
	1979-80	42,861	19,820	11,067	11,012	386	576
Misdemeanor group C	1988-89	267,424	1,262	246,661	15,133	808	3,560
	1987-88	281,155	439	261,007	14,911	793	4,005
	1979-80	241,385	1,222	220,375	13,124	1,788	4,876
Misdemeanor group D	1988-89	689,213	116,636	426,625	136,034	5,216	4,702
	1987-88	637,733	124,274	382,045	121,232	5,178	5,004
	1979-80	295,406	60,645	170,978	51,250	7,697	4,836
Traffic infractions	1988-89	5,812,868	2,461,625	1,065,472	2,060,030	110,168	115,573
	1987-88	5,866,084	2,820,999	866,617	1,964,215	93,377	120,876
	1979-80	4,259,173	2,636,622	626,516	853,031	74,218	68,786
Parking	1988-89	5,667,185	3,957,165	296,101	1,393,723	10,489■	9,707
	1987-88	5,829,746	4,246,202	191,933	1,280,774	101,090	9,747
	1979-80	7,893,444	6,599,419	95,022	1,042,379	153,305	3,319
Total civil	1988-89	847,720	-	-	463,104	216,427	168,189
	1987-88	829,428	-	-	443,154	219,364	166,910
	1979-80	734,984	-	-	341,160	243,412	150,412
Small claims	1988-89	369,424	-	-	78,700	158,111	132,613
	1987-88	375,490	-	-	79,980	162,027	133,483
	1979-80	395,384	-	-	89,777	176,055	129,552
Other civil	1988-89	478,296	-	-	384,404	58,316	35,576
	1987-88	453,938	-	-	363,174	57,337	33,427
	1979-80	339,600	-	-	251,383	67,357	20,860

(A) Sum of columns (B) through (F).
(C) Excludes bail forfeitures.
(D) Summary and other judgements for civil. Dismissed before trial for civil and criminal.
(E)&(F) Includes felony hearings.
■ Large differences between 1988-1989 and previous years due to corrections in reporting procedures.

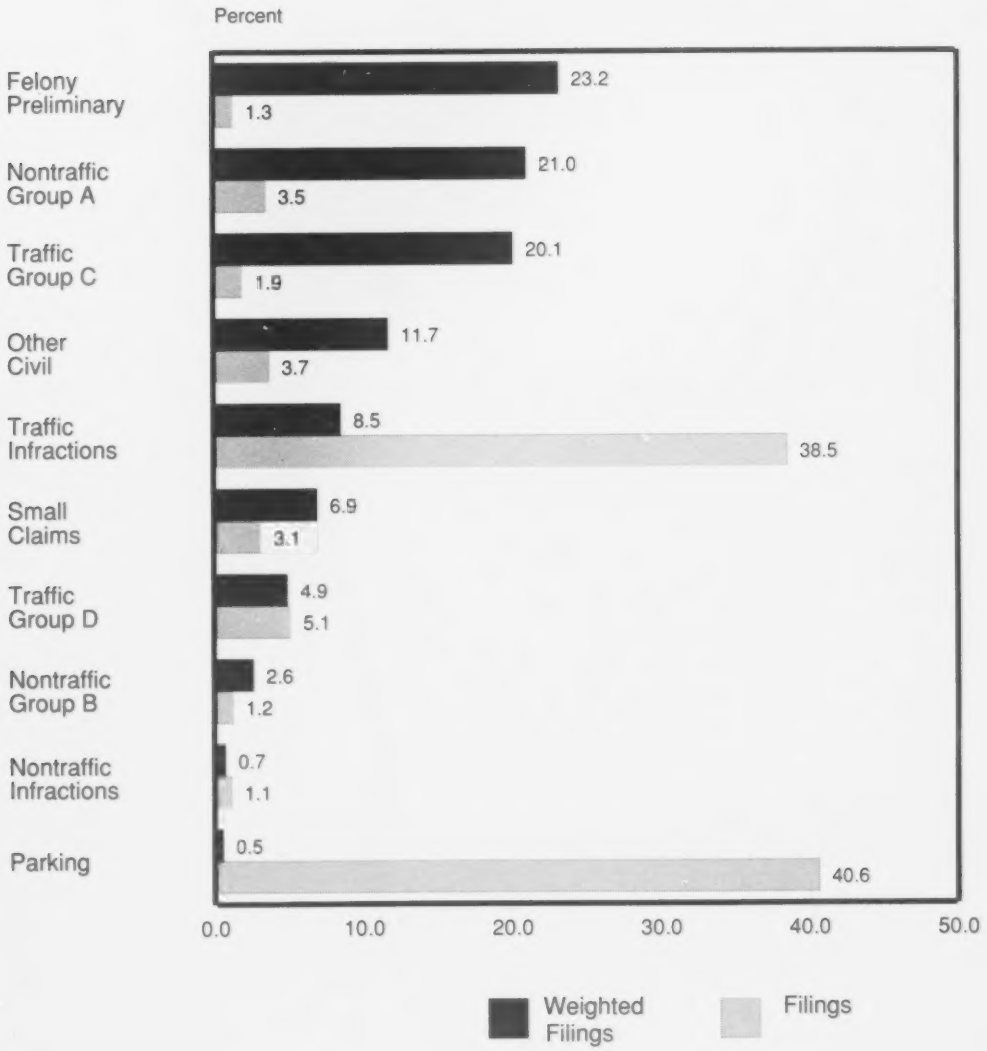
Municipal and Justice Courts Table 5

Criminal Conviction Rates By Type of Proceeding Fiscal Year 1988-89

Type of proceeding	*Before trial*			*After trial*			*Conviction rate before & after trial*
	Total dispositions (A)	*Pleas of guilty* (B)	*Conviction rate* (C)	*Total dispositions* (D)	*Convicted or bound over* (E)	*Conviction rate* (F)	(G)
Total excluding parking	7,366,199	4,963,497	67%	345,696	232,991	67%	67%
Felony preliminary	90,729	58,508	64	78,804	71,370	91	77
Felonies reduced	20,940	20,940	100	528	364	69	99
Nontraffic							
Group A misdemeanors	454,862	356,970	78	6,247	3,631	58	78
Group B misdemeanors	157,694	126,061	80	3,922	2,207	56	79
Nontraffic infractions	112,496	82,737	74	16,168	10,352	64	72
Traffic							
Group C misdemeanors	263,056	247,923	94	4,368	3,189	73	94
Group D misdemeanors	679,295	543,261	80	9,918	4,974	50	80
Traffic infractions	5,587,127	3,527,097	63	225,741	136,904	61	63
Parking	5,646,989	4,253,266	75	20,196	11,694	58	75

(A) Dismissals, transfers and pleas of guilty.
(B) Includes bail forfeitures.
(C) (B) / (A) x 100
(D) Defendants acquitted, dismissed, convicted or bound over. Excludes juvenile orders.
(F) (E) / (D) x 100
(G) [(B) + (E) / (A) + (D)] x 100

FIGURE 12-Percent Distribution of Filings and Weighted Filings Fiscal Year 1988-89



SOURCE: TABLE 6

Municipal and Justice Courts Table 6

Filings, Weighted Filings and Required Judicial Positions By Type of Proceeding Fiscal Year 1988-89

Type of proceeding	*FY 1988-89 filings*		*FY 1988-89 weighted filings*			*FY 1988-89 required judicial positions*	*FY 1987-88 required judicial positions*
	Number (A)	*Percent of total* (B)	*Weight* (C)	*Number* (D)	*Percent of total* (E)	(F)	(G)
All proceedings	16,723,029	100.0%	-	52,797,556	100.0%	834	819
Felony preliminary	222,243	1.3	55	12,223,365	23.2	193	182
Nontraffic							
Group A misdemeanors	583,443	3.5	19	11,085,417	21.0	175	170
Group B misdemeanors	193,885	1.2	7	1,357,195	2.6	21	22
Nontraffic infractions	187,318	1.1	2	374,636	0.7	6	5
Traffic							
Group C misdemeanors	312,219	1.9	34	10,615,446	20.1	168	173
Group D misdemeanors	854,057	5.1	3	2,562,171	4.9	40	38
Traffic infractions	6,440,991	38.5	0.7	4,508,694	8.5	71	72
Parking	6,793,307	40.6	0.04	271,732	0.5	4	5
Civil							
Small claims	518,920	3.1	7	3,632,440	6.9	57	58
Other	616,646	3.7	10	6,166,460	11.7	97	94

(A) From Tables 2 & 3.
(B) Percentages may not add to total due to rounding.
(C) Current weights were approved by the Judicial Council January 1, 1989, and apply to all lower courts. These weights reflect the average judicial time spent on case-related activities.
(D) (A) x (C). The total case-related time required by judges in disposition of the caseload.
(E) Percentages may not add to total due to rounding.
(F) (D) / 63,300. Figures represent judicial positions required to dispose of the weighted caseload. 63,300 is the average number of minutes a year a judge spends on case-related activities.
(G) Based on fiscal year 1987-88 filings.

Municipal and Justice Courts Table 7

Number of Courts and Judges Fiscal Years 1979-80 through 1988-89

	Municipal courts				*Justice courts*	
Fiscal year	*Number of courts* (A)	*Authorized judgeships* (B)	*Judicial positions* (C)	*Judicial position equivalents* (D)	*Number of courts* (E)	*Judges* (F)
1979-80	83	472	544	555	100	101
1980-81	84	487	567	564	94	94
1981-82	84	496	578	586	95	95
1982-83	85	508	601	617	89	89
1983-84	85	518	620	646	84	84
1984-85	85	529	642	659	83	83
1985-86	86	547	669	676	83	83
1986-87	87	554	678	691	79	79
1987-88	88	566	695	709[r]	76	76
1988-89	**88**	**605**	**737**	**726**	**65**	**66**

(D) Judicial position equivalents are defined as authorized judgeships when adjusted to reflect judge vacancies, assistance rendered to other courts by municipal court judges and assistance received by municipal courts from full-time and part-time commissioners and referees, from assigned judges or from temporary judges serving by stipulation of the parties.

r Revised.

Municipal and Justice Courts Table 8

Municipal Court Civil and Criminal Cases Awaiting Trial As of June 30, 1980 through 1989

As of June 30	Total cases awaiting trial		Civil cases awaiting trial			Criminal cases awaiting trial		
	Number	Per authorized justice	Total	Jury	Court	Total	Jury	Court
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
1980	68,230	145	20,094	3,605	16,489	48,136	27,780	20,356
1981	85,413	175	29,967	7,413	22,554	55,446	32,403	23,043
1982	99,190	200	34,136	9,302	24,834	65,054	37,636	27,418
1983	107,506	212	33,926	9,312	24,614	73,580	41,871	31,709
1984	95,839	185	29,780	7,846	21,934	66,059	34,595	31,464
1985	89,850	170	25,488	6,204	19,284	64,362	36,464	27,898
1986	94,234	172	22,313	5,426	16,887	71,921	30,925	40,996
1987	93,254	168	20,884	5,356	15,528	72,370	32,857	39,513
1988	96,043	170	21,941	5,506	16,435	74,102	35,079	39,023
1989	96,818	160	23,526	6,652	16,874	73,292	31,115	42,177

(A) (C) + (F)
(C) (D) + (E). Includes civil cases set for trial and civil cases in which a memorandum to set has been filed but no trial date assigned. Excludes small claims cases.
(F) (G) + (H)

CHAPTER 9

JUDICIAL ASSIGNMENTS AND ASSISTANCE

During fiscal year 1988-89, assignments totaling more than 17,000 days were made to appellate, superior, municipal and justice courts.

The Chief Justice, at the request of presiding judges of both trial and appellate courts, issues temporary judicial assignments for reasons, such as vacancies, illnesses, disqualifications and calendar congestion. (See chapter 2).

The California Constitution directs the Chief Justice to expedite judicial business, to equalize the work of judges, and to assign judges to assist in courts other than their own.

Assigned judges do not necessarily serve for the full period of their assignments due to changing workloads. The days of assistance actually received by the trial and appellate courts are reflected in Table 2 and Figure 2.

The total for 1988-89 was 16,891 days[1] or 77 judicial positions.[2] This number is only 2 percent higher than last year's number of 16,579.

Table 1 and Figure 1 indicate retired judges provided more than half (41 judicial positions) of the assistance. This represents nearly $8.7 million dollars calculated at $212,000 per judicial position.

Justice court judges provided an estimated 17 judicial positions to municipal and superior courts. Combined, retired judges and justice court judges provided 58 judicial positions of assistance, accounting for 75 percent of all assistance.

Appellate courts, superior courts, and municipal courts (⅘, 10, and 9 positions respectively) are less able to provide assistance due to expanding workloads. This increases the importance of assistance from retired judges and justice court judges in meeting the judicial requirements of state courts.

1 Total days reported in the various tables may not agree due to rounding to the nearest day.
2 An estimate of 218 days per judicial position was used to convert day into judicial positions.

Because it is difficult to plan or predict the need for judicial assignments, which are based on vacancies, illness, disqualification and other exceptional cases, the responsiveness of the assigned judges program has saved the state the cost of many judicial positions.

Assistance is reported to the Administrative Office of the Courts via monthly reports submitted by the court receiving the assistance. The amount of assistance is reported in quarter-day increments. A full day is counted when the assigned judge works more than six hours. Four hours through six hours is counted as three-quarters of a day; two hours through four hours as a half day; and two hours or less as a quarter day. In contrast "days assigned" are always reported as full days.

Blanket (within county) and reciprocal (between counties) assignments are issued each year by the Chief Justice to permit judges of one court to sit as judges of another court within their county or in a neighboring county. This type of assignment enables the respective presiding judges (or sole judges) to arrange the assignments themselves without having to contact the Chief Justice's Office for a separate authorization each time judicial assistance is given or received.

Blanket and reciprocal assignments, therefore, are not included in the category of "days assigned," but are included in the category of "days received," which is why the total number of days of assistance received can exceed the total number of days assigned.

Assistance Provided Particular Courts by Assigned Judges

Courts of Appeal
In 1988-89, 1,647 days of assistance were assigned to the Courts of Appeal and 1,543 days were received, a decrease of 46 percent and 31 percent, respectively, from the prior fiscal year.

The assistance came from superior court judges (63 percent), other Courts of Appeal justices (7 percent), municipal court judges (6 percent) and retired judges (24 percent).

In January 1988, appellate court judicial positions increased from 77 to 88. Most of these positions were filled during the 1988-89 fiscal year resulting in the sharp decrease in assistance requested and received by the appellate courts.

Superior Courts
In 1988-89, 8,199 days were assigned to superior courts and 8,044 days were received. The days assigned decreased slightly and assistance received increased 2 percent[3] from the prior fiscal year. The assistance came from retired judges (63 percent), other superior court judges (12 percent), municipal court judges (19 percent) and justice court judges (5 percent).

Municipal Courts
In 1988-89, 6,805 days were assigned to municipal courts and 5,964 days were received, increases of 16 percent and 5 percent respectively, from the previous fiscal year. The assistance came from justice court judges (42 percent), retired judges (51 percent), other municipal court judges (4 percent) and superior court judges (3 percent).

Justice Courts
In 1988-89, 634 days were assigned to justice courts and 1,340 days of assistance were received by justice courts, an increase of 17 percent in assigned days, but a decrease of 10 percent in days received from the previous year.

The assistance came from other justice court judges (65 percent), retired judges (27 percent), municipal court judges (6 percent) and superior court judges (2 percent).

Days of Assistance Received and Rendered by Courts Through Assignments

Tables 3 and 4 indicate days of assistance received and rendered by the superior courts and the municipal courts, respectively, for fiscal years 1987-88 and 1988-89 on a court-by-court basis. The last column under each fiscal year indicates net days of assistance as a percent of net judge days. A minus sign indicates the court gave more days of assistance than it received.

Assistance by Commissioners, Referees and Temporary Judges

In addition to judges assigned by the Chief Justice, some superior and municipal courts receive assistance from commissioners, referees and attorneys acting as temporary judges. In 1988-89, such assistance amounted to the equivalent of 350 full-time judges as shown in Tables 5 and 6.

3 Los Angeles Superior Court not included in the comparison.

Superior Courts

In 1988-89, superior courts received 36,115 days of assistance by commissioners, referees and attorneys acting as temporary judges. Commissioners provided 60 percent of the assistance; referees, 26 percent; and attorneys acting as temporary judges, 14 percent.

Table 5 lists for each court the days of assistance by commissioners, referees and attorneys acting as temporary judges. Seven courts received more than 1,000 days of assistance and account for 83 percent of all assistance of this type in the superior court.

In almost all cases, commissioners perform functions that otherwise would require a judge. In some courts they hear matters by stipulation and sign orders as temporary judges, while in other courts they do not sign orders but prepare them for a judge's signature.

The assistance provided to superior courts by commissioners, referees, and attorneys acting as temporary judges amounted to the equivalent of 166 full-time judges in 1988-89.

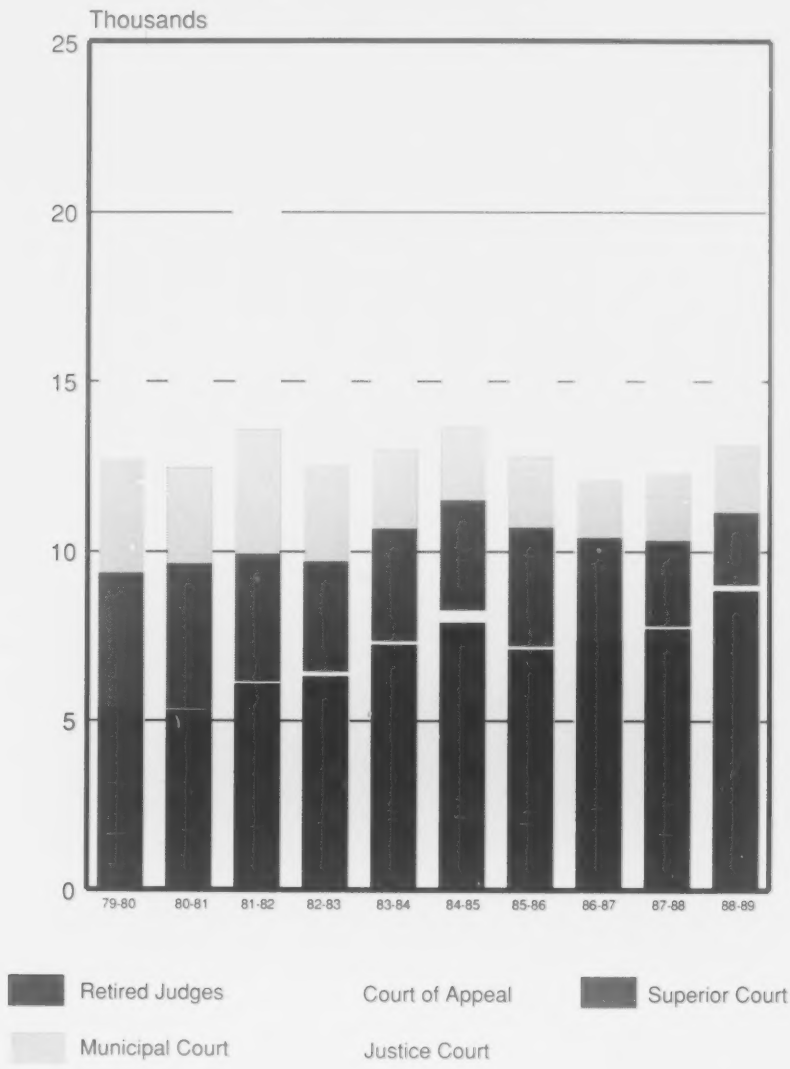
Municipal Courts

The municipal courts received a total of 40,172 days of assistance from commissioners, referees, and attorneys acting as temporary judges in 1988-89. Table 6 lists these days for individual municipal courts. Commissioners provided 70 percent of the assistance; attorneys acting as temporary judges, 25 percent; and referees, 5 percent.

Large metropolitan courts were the largest users of this type of assistance. For example, five municipal courts used more than 1,000 days each and accounted for more than one third of the total.

The 1988-89 total of 40,172 days of assistance is 6 percent greater than the amount of the previous fiscal year and represents the equivalent of 184 additional full-time municipal court judges.

FIGURE 1-Days Rendered to Court of Appeal and Trial Courts Fiscal Years 1979-80 through 1988-89



SOURCE: TABLE 1

Judicial Assignments and Assistance
Table 1

Assistance Rendered to Courts of Appeal and Trial Courts Fiscal Years 1979-80 through 1988-89

Fiscal year	*Total* (A)	*Retired judges* (B)	*Courts of Appeal* (C)	*Superior courts* (D)	*Municipal courts* (E)	*Justice courts* (F)
Days rendered by judge source[a]						
1979-80	18,802	5,366	1	3,990	3,350	6,095
1980-81	18,679	5,319	39	4,275	2,848	6,198
1981-82	20,353	6,104	68	3,746	3,669	6,766
1982-83	17,974	6,318	148	3,229	2,874	5,405
1983-84	18,109	7,258	106	3,302	2,360	5,083
1984-85	18,592	7,904	374	3,224	2,210	4,880
1985-86	17,720	7,117	106	3,472	2,119	4,906
1986-87	16,406	7,401	25	2,977	1,747	4,256
1987-88	16,579[r]	7,726	81	2,505[cr]	1,961	4,306
1988-89	**16,891**	**8,853**	**176**	**2,115**	**2,001**	**3,746**
Percent rendered by judge source[b]						
1979-80	100%	29%	0.0%	21%	18%	32%
1980-81	100	28	0.2	23	15	33
1981-82	100	30	0.3	18	18	33
1982-83	100	35	0.8	18	16	30
1983-84	100	40	0.6	18	13	28
1984-85	100	43	2.0	17	12	26
1985-86	100	40	0.6	20	12	28
1986-87	100	45	0.2	18	11	26
1987-88	100	47[r]	0.5	15[r]	12	26[r]
1988-89	**100**	**52**	**1.0**	**13**	**12**	**22**

(A) Sum of columns (B) through (F).
a Only includes assistance rendered by judges through assignments. Does not include assistance rendered by commissioners, referees, and temporary judges.
b Percentages may not add to 100% due to rounding.
c Total days rendered in 1987-88 by superior courts does not agree with total in Table 3 because total in Table 3 excludes days rendered by Los Angeles Superior Court.
r Revised.

Judicial Assignments and Assistance
Table 2

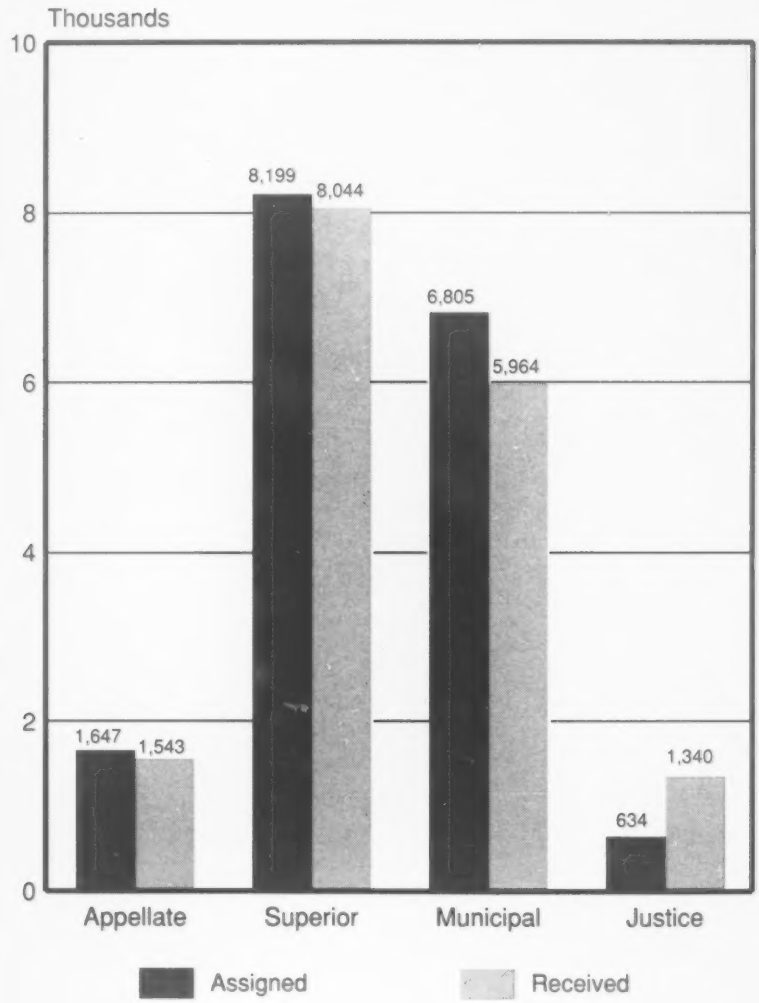
Assistance Received and Rendered [a] *By Type of Court Fiscal Years 1988-89 and 1987-88*

	Days received by									
	Total		*Courts of Appeal*		*Superior courts*		*Municipal courts*		*Justice courts*	
Days rendered by	*1988-89*	*1987-88*	*1988-89*	*1987-88*	*1988-89*	*1987-88*	*1988-89*	*1987-88*	*1988-89*	*1987-88*
Total[b]	16,891	16,579	1,543	2,252	8,044	7,157	5,964	5,674	1,340	1,496
Retired judges	8,853	7,726	366	1,077	5,089	4,078	3,041	2,362	357	209
Court of appeal justices	176	81	112	9	64	71	0	0	0	0
Superior court judges	2,115	2,505[cr]	965	1,095	961	1,227	155	134	33	48
Municipal court judges	2,001	1,961	100	71	1,557	1,554	260	260	84	75
Justice court judges	3,746	4,306	0	0	373	225	2,507	2,916	865	1,163

	Assistance received by									
	Total		*Courts of Appeal*		*Superior courts*		*Municipal courts*		*Justice courts*	
Percent rendered by	*1988-89*	*1987-88*	*1988-89*	*1987-88*	*1988-89*	*1987-88*	*1988-89*	*1987-88*	*1988-89*	*1987-88*
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Retired judges	52	47	24	48	63	57	51	42	27	14
Court of appeal justices	1	0	7	0	1	1	0	0	0	0
Superior court judges	13	15	63	49	12	17	3	2	2	3
Municipal court judges	12	12	6	3	19	22	4	5	6	5
Justice court judges	22	26	0	0	5	3	42	51	65	78

a Only includes assistance rendered by judges through assignments. Does not include assistance rendered by commissioners, referees, and temporary judges.
b Components may not add to total due to rounding.
c Total days rendered in 1987-88 by superior courts does not agree with total in Table 3 because total in Table 3 excludes days rendered by Los Angeles Superior Court.
r Revised.

FIGURE 2-Days Assigned and Received Fiscal Year 1988-89



Judicial Assignments and Assistance Table 3

California Superior Courts Days Assigned, Received, and Rendered Fiscal Years 1988-89 and 1987-88

	1988-89					*1987-88*				
				Net days received (or rendered)					*Net days received (or rendered)*	
	Days assigned (A)	*Days received* (B)	*Days rendered* (C)	*Number* (D)	*As a percent of net judge days* (E)	*Days assigned* (A)	*Days received* (B)	*Days rendered* (C)	*Number* (D)	*As a percent of net judge days* (E)
Statewide total[a]	**8,199**	**8,044**	**2,115**	**5,929**	**3%**	**6,564**[b]	**7,157**	**2,163**[b]	**4,994**	**4%**
Alameda	818	718	19	699	9	389	621	3	619	7
Alpine	2	1	117	-115	-46	31	4	100	-97	-38
Amador	56	80	1	80	32	121	204	5	200	79
Butte	116	83	0	83	8	124	134	0	134	13
Calaveras	122	100	19	82	33	135	105	37	68	27
Colusa	12	25	44	-19	-8	40	57	46	11	5
Contra Costa	177	181	1	181	5	92	91	9	82	2
Del Norte	72	61	4	57	29	36	32	9	24	9
El Dorado	182	238	9	230	40	67	144	9	134	18
Fresno	121	131	40	91	2	261	93	45	49	1
Glenn	14	47	49	-1	-1	25	48	47	1	0
Humboldt	16	17	29	-12	-2	5	17	7	10	1
Imperial	47	42	0	42	6	60	63	17	46	6
Inyo	23	29	5	24	10	8	34	44	-10	-4
Kern	213	215	2	213	6	439	318	4	314	9
Kings	172	37	0	37	6	23	46	6	41	8
Lake	59	58	40	18	4	44	73	62	10	2
Lassen	10	116	7	109	44	62	108	66	42	17
Los Angeles	1,337	710	384	326	1	1,958	i	343	-	-
Madera	89	37	1	36	7	75	81	6	75	15
Marin	201	30	3	28	2	17	39	1	38	3
Mariposa	0	0	22	-22	-9	132	101	4	97	62
Mendocino	83	238	5	233	47	206	211	33	178	36
Merced	6	12	0	12	2	23	8	23	-15	-2
Modoc	0	2	64	-62	-25	27	8	87	-79	-32
Mono	24	21	15	7	3	40	11	19	-8	-3
Monterey	45	55	49	7	0	4	10	0	10	0
Napa	13	63	23	40	5	17	39	13	26	3
Nevada	17	39	105	-66	-13	28	100	122	-22	-4
Orange	804	728	220	507	4	825	811	193	618	5
Placer	103	24	4	20	2	53	54	13	41	4
Plumas	23	58	46	12	5	7	50	52	-2	-1
Riverside	313	371	154	217	4	76	72	65	7	0
Sacramento	389	329	8	321	4	396	463	133	330	5
San Benito	2	10	22	-12	-5	9	34	14	20	8
San Bernardino	211	16	149	-133	-2	257	22	165	-142	-2
San Diego	254	1,440[c]	92	1,348	9	179	1,411[c]	236	1,176	8

Judicial Assignments and Assistance Table 3 (Continued)

California Superior Courts Days Assigned, Received, and Rendered Fiscal Years 1988-89 and 1987-88

	1988-89					*1987-88*				
				Net days received (or rendered)					*Net days received (or rendered)*	
	Days assigned (A)	*Days received* (B)	*Days rendered* (C)	*Number* (D)	*As a percent of net judge days* (E)	*Days assigned* (A)	*Days received* (B)	*Days rendered* (C)	*Number* (D)	*As a percent of net judge days* (E)
San Francisco	293	168	35	133	2	255	34	0	34	0
San Joaquin	16	8	1	7	0	31	22	5	17	1
San Luis Obispo	62	70	9	61	6	19	47	5	42	4
San Mateo	304	128	1	127	3	309	144	8	136	3
Santa Barbara	11	1	3	-1	0	1	7	10	-3	0
Santa Clara	387	424	11	412	5	624	293	152	141	2
Santa Cruz	86	68	18	49	5	71	80	6	74	7
Shasta	19	65	18	47	5	5	67	24	43	4
Sierra	5	36	90	-54	-22	17	24	40	-16	-6
Siskiyou	73	79	3	76	30	66	62	8	55	22
Solano	129	77	32	45	3	136	83	11	72	4
Sonoma	16	12	11	2	0	0	4	3	1	0
Stanislaus	0	0	0	0	0	11	11	8	3	0
Sutter	146	147	6	141	33	79	99	8	91	19
Tehama	113	95	28	68	14	79	97	77	20	4
Trinity	10	11	19	-9	-3	8	21	27	-7	-3
Tulare	3	7	12	-6	0	54	39	24	14	1
Tuolumne	106	132	7	125	50	117	135	16	119	47
Ventura	260	145	45	100	3	330	141	1	141	4
Yolo	9	15	8	7	1	1	21	11	11	1
Yuba	5	0	13	-13	-2	18	13	32	-19	-3

(A)&(B) Due to instances in which assigned judges dispose of their caseload before the end of their assignment, days assigned may be greater than days received. However, days assigned may be less than days received due to blanket and reciprocal assignments. These assignments are not included in days assigned but are included in days received (and rendered). Numerous blanket (within county) and reciprocal (between counties) assignments are issued each year by the Chief Justice to permit a judge of one court to sit as a judge of another court whenever the presiding or sole judges of the courts involved agree. In courts which utilize the blanket and reciprocal procedure, a separate assignment need not be issued by the Chief Justice each time judicial assistance is given or received.

(D) (B) - (C). A positive number indicates that the court received more days of assigned assistance than it rendered during the year. A negative number indicates that the court rendered more days than it received.

(E) 100 x (D) / (Net judge days). Net judge days are the number of days the court is open for business times the number of judge positions in the court which are not vacant.

a Components may not add to total due to rounding.

b In order to better compare statewide total days assigned, days received, and days rendered, the statewide totals for days assigned and rendered in 1987-88 exclude Los Angeles Superior Court. Information on days received in in 1987-88 by Los Angeles Superior Court was unavailable due to the failure of that court to submit assistance reports in the 1987-88 fiscal year. Statewide total of days rendered in 1987-88 in this Table does not agree with superior court totals in Tables 1 and 2 because those tables include Los Angeles.

c Large number of days received due to extensive use of municipal court - superior court blanket assignments in San Diego County.

r Revised.

i Incomplete.

Judicial Assignments and Assistance
Table 4

California Municipal Courts Days Assigned, Received, and Rendered Fiscal Years 1988-89 and 1987-88

	1988-89					1987-88				
				Net days received (or rendered)					Net days received (or rendered)	
	Days assigned	Days received	Days rendered	Number	As a percent of net judge days	Days assigned	Days received	Days rendered	Number	As a percent of net judge days
	(A)	(B)	(C)	(D)	(E)	(A)	(B)	(C)	(D)	(E)
Statewide total[a]	**6,805**	**5,964**	**2,001**	**3,963**	**3%**	**5,888**	**5,674**	**1,961**	**3,713**	**3%**
Alameda County										
Alameda	13	11	0	11	4	18	10	0	10	4
Berkeley-Albany	29	26	11	15	2	16	0	14	-14	-1
Fremont-Newark-Union City	100	100	0	100	11	21	26	0	26	3
Livermore-Pleasanton	50	40	0	40	8	31	32	0	32	6
Oakland-Piedmont-Emeryville	161	145	16	129	4	184	163	17	146	4
San Leandro-Hayward	12	12	0	12	1	84	63	11	52	3
Butte County										
North Butte County	183	138	0	138	33	12	10	23	-13	-3
South Butte County	12	7	0	7	1	10	21	1	20	4
Contra Costa County										
Bay	39	37	4	33	3	119	96	15	81	7
Delta	92	75	9	66	13	22	21	4	17	3
Mt. Diablo	0	0	0	0	0	0	0	0	0	0
Walnut Creek-Danville	34	24	11	13	2	75	51	13	38	5
El Dorado County										
El Dorado	108	100	13	87	12	42	29	8	21	6
Fresno County										
Consolidated Fresno	270	203	60	143	6	199	102	2	100	4
Humboldt County										
Eureka	4	5	5	0	0	6	16	15	1	0
Imperial County										
Imperial	0	0	15	-15	-2	0	0	13	-13	-1
Kern County										
East Kern	38	59	1	58	12	66	58	4	54	11
West Kern	20	16	2	14	1	12	7	8	-1	0
Kings County										
Hanford	4	138	1	137	55	20	132	2	130	52
Los Angeles County										
Alhambra	0	0	0	0	0	8	5	0	5	1
Antelope	35	21	0	21	3	124	128	0	128	21
Beverly Hills	49	59	0	59	8	42	30	0	30	4
Burbank	3	1	0	1	0	1	2	0	2	0
Citrus	0	0	1	-1	0	43	10	0	10	1
Compton	0	0	0	0	0	27	25	0	25	1
Culver	88	63	1	62	14	9	9	4	5	1
Downey	11	0	0	0	0	35	13	1	12	1
East Los Angeles	24	34	0	34	3	101	94	0	94	11
Glendale	3	0	3	-3	0	0	0	0	0	0

Judicial Assignments and Assistance
Table 4
(Continued)

California Municipal Courts
Days Assigned, Received, and Rendered
Fiscal Years 1988-89 and 1987-88

	1988-89					1987-88				
				Net days received (or rendered)					Net days received (or rendered)	
	Days assigned	Days received	Days rendered	Number	As a percent of net judge days	Days assigned	Days received	Days rendered	Number	As a percent of net judge days
	(A)	(B)	(C)	(D)	(E)	(A)	(B)	(C)	(D)	(E)
Los Angeles County (continued)										
Inglewood	0	0	0	0	0	0	0	0	0	0
Long Beach	14	14	0	14	1	222	175	0	175	10
Los Angeles	957	825	51	774	4	964	857	39	818	4
Los Cerritos	14	3	0	3	0	0	0	0	0	0
Malibu	42	37	0	37	15	48	54	0	54	22
Newhall	4	3	1	2	0	8	5	0	5	1
Pasadena	31	27	0	27	3	53	48	8	40	4
Pomona	0	1	0	1	0	10	0	0	0	0
Rio Hondo	123	142	0	142	16	22	17	0	17	2
Santa Anita	77	76	0	76	31	29	16	0	16	6
Santa Monica	59	55	0	55	7	67	50	0	50	7
South Bay	95	5	13	-8	0	254	252	18	234	19
Southeast	12	9	0	9	1	5	0	0	0	0
Whittier	10	13	0	13	1	0	0	0	0	0
Marin County										
Marin	77	64	8	56	6	143	104	11	93	9
Merced County										
Merced	25	22	4	18	2	0	69	43	26	3
Monterey County										
Monterey	3	9	1	8	0	28	38	1	37	2
Napa County										
Napa	18	18	60	-42	-6	5	11	20	-9	-1
Orange County										
Central Orange County	0	0	21	-21	-1	34	10	82	-72	-2
North Orange County	36	38	5	33	1	15	34	0	34	1
Orange County Harbor	0	13	0	13	1	7	0	0	0	0
South Orange County	124	91	0	91	10	26	26	0	26	3
West Orange County	31	27	40	-13	-1	3	14	0	14	1
Placer County										
Placer	160	130	3	127	25	272	199	1	198	31
Riverside County										
Corona	4	4	0	4	1	37	38	0	38	8
Desert	42	29	26	3	0	57	36	19	17	1
Riverside	5	2	8	-6	0	24	2	4	-2	0
Mt. San Jacinto	15	15	0	15	2	178	188	1	187	24
Three Lakes	53	51	50	1	0	10	0	0	0	0
Sacramento County										
Sacramento	250	195	42	153	4	52	44	104	-60	-1
South Sacramento	9	12	0	12	5	20	17	0	17	7

Judicial Assignments and Assistance Table 4 (Continued)

California Municipal Courts Days Assigned, Received, and Rendered Fiscal Years 1988-89 and 1987-88

	1988-89					1987-88				
				Net days received (or rendered)					Net days received (or rendered)	
	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)
San Bernardino County										
San Bernardino	656	728	23	705	13	376	426	20	406	8
San Diego County										
El Cajon	0	7	540[b]	-533	-21	6	0	406[b]	-406	-17
North County	5	5	2	3	0	97	79	33	46	2
San Diego	0	0	737[b]	-737	-12	5	0	842[b]	-842	-14
South Bay	8	0	0	0	0	2	9	1	8	0
San Francisco County										
San Francisco	32	31	3	28	1	32	32	0	32	1
San Joaquin County										
Lodi	68	71	31	40	8	45	32	22	10	2
Manteca-Ripon-Escalon-Tracy	35	34	0	34	7	34	28[e]	0[e]	28[e]	6[e]
Stockton	0	0	0	0	0	11	0	0	0	0
San Luis Obispo County										
San Luis Obispo	52	54	18	36	3	40	46	2	44	4
San Mateo County										
San Mateo	237	202	10	192	10	230	190	9	181	9
Santa Barbara County										
Lompoc	0	15	4	11	4	0	11	13	-2	-1
Santa Barbara	2	5	0	5	1	8	8	0	8	0
Santa Maria	0	0	6	-6	-1	116	121	3	118	24
Santa Clara County										
Santa Clara	541	446	59	387	6	270	226	18	208	3
Santa Cruz County										
Santa Cruz	71	67	14	53	5	68	70	0	70	7
Shasta County										
Redding[c]	62	171	1	170	137	82	345	0	345	137
Shasta[c]	0	2	5	-3	-1	0	0	0	0	0
Solano County										
Northern Solano[d]	138	110	24	86	15	154	129	3	126	17
Northern Solano Consolidated[d]	0	21	0	0	0	0	0	0	0	0
Vallejo-Benicia	131	106	0	106	17	6	0	0	0	0
Sonoma County										
Sonoma	2	0	0	0	0	12	14	0	14	1
Stanislaus County										
Stanislaus	248	118	0	118	7	4	0	3	-3	0
Sutter County										
Sutter	188	83	15	68	36	12	14	8	6	2

Judicial Assignments and Assistance Table 4 (Continued)

California Municipal Courts Days Assigned, Received, and Rendered Fiscal Years 1988-89 and 1987-88

	1988-89					1987-88				
				Net days received (or rendered)					Net days received (or rendered)	
	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)	Days assigned (A)	Days received (B)	Days rendered (C)	Number (D)	As a percent of net judge days (E)
Tulare County										
Porterville	203	91	2	89	36	52	108	2	106	42
Tulare-Pixley	200	155	1	154	62	22	102	2	100	40
Visalia	1	4	5	-1	0	1	1	39	-38	-5
Ventura County										
Ventura	93	47	7	40	2	120	74	23	51	2
Yolo County										
Yolo	159	151	7	144	16	158	133	0	133	14
Yuba County										
Yuba	1	1	5	-4	-1	5	26	10	16	3

(A)&(B) Due to instances in which assigned judges dispose of their caseload before the end of their assignment, days assigned may be greater than days received. However, days assigned may be less than days received due to blanket and reciprocal assignments. These assignments are not included in days assigned but are included in days received (and rendered). Numerous blanket (within county) and reciprocal (between counties) assignments are issued each year by the Chief Justice to permit a judge of one court to sit as a judge of another court whenever the presiding or sole judges of the courts involved agree. In courts which utilize the blanket and reciprocal procedure, a separate assignment need not be issued by the Chief Justice each time judicial assistance is given or received.

(D) (B) - (C). A positive number indicates that the court received more days of assigned assistance than it rendered during the year. A negative number indicates that the court rendered more days than it received.

(E) 100 x (D) / (Net judge days). Net judge days are the number of days the court is open for business times the number of judge positions in the court which are not vacant.

a Components may not add to total due to rounding.

b Large number of days rendered due to extensive use of municipal court - superior court blanket assignments in San Diego county.

c On January 1, 1989, Redding Municipal Court combined with Anderson Justice Court, Burney Justice Court, and Central Valley Justice Court to form the Shasta Municipal Court.

d On March 23, 1989, Rio Vista Justice Court combined with Northern Solano Municipal Court to form the Northern Solano Consolidated Municipal Court.

r Revised.

Judicial Assignments and Assistance Table 5

California Superior Courts Days Rendered by Commissioners, Referees and Temporary Judges Fiscal Year 1988-89

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Statewide total	**36,115**	**21,566**	**9,423**	**5,127**
Alameda	180	0	180	0
Alpine	0	0	0	0
Amador	0	0	0	0
Butte	1	0	0	1
Calaveras	0	0	0	0
Colusa	0	0	0	0
Contra Costa	776	229	451	96
Del Norte	0	0	0	0
El Dorado	245	123	0	122
Fresno	798	0	750	48
Glenn	0	0	0	0
Humboldt	0	0	0	0
Imperial	46	0	43	3
Inyo	0	0	0	0
Kern	481	223	219	39
Kings	0	0	0	0
Lake	0	0	0	0
Lassen	0	0	0	0
Los Angeles	16,632	13,520	2,442	670
Madera	10	1	1	8
Marin	271	271	0	0
Mariposa	0	0	0	0
Mendocino	0	0	0	0
Merced	18	0	0	18
Modoc	0	0	0	0
Mono	0	0	0	0
Monterey	0	0	0	0
Napa	3	0	0	3
Nevada	0	0	0	0
Orange	3,022	2,387	396	239
Placer	29	0	0	29
Plumas	8	0	0	8
Riverside	1,266	923	55	288
Sacramento	874	0	437	437
San Benito	28	0	26	2
San Bernardino	1,086	824	0	262
San Diego	1,613	62	836	715
San Francisco	4,154	2,243	1,869	42
San Joaquin	0	0	0	0
San Luis Obispo	228	62	105	62
San Mateo	640	310	110	220
Santa Barbara	87	0	0	87
Santa Clara	2,278	241	492	1,545
Santa Cruz	89	0	88	1

Judicial Assignments and Assistance Table 5 (Continued)

California Superior Courts Days Rendered by Commissioners, Referees and Temporary Judges Fiscal Year 1988-89

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Shasta	0	0	0	0
Sierra	0	0	0	0
Siskiyou	0	0	0	0
Solano	111	0	111	0
Sonoma	197	141	39	17
Stanislaus	430	0	430	0
Sutter	15	0	0	15
Tehama	0	0	0	0
Trinity	0	0	0	0
Tulare	248	0	248	0
Tuolumne	0	0	0	0
Ventura	143	0	0	143
Yolo	114	8	96	10
Yuba	0	0	0	0

(A) (B) + (C) + (D). Rounded to whole days.
(B) Excludes jury commissioners.

Judicial Assignments and Assistance
Table 6

California Municipal Courts Days Rendered by Commissioners, Referees and Temporary Judges Fiscal Year 1988-1989

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Statewide total	**40,172**	**28,106**	**1,973**	**10,093**
Alameda County				
Alameda	263	262	0	1
Berkeley-Albany	234	213	0	21
Fremont-Newark-Union City	612	448	0	164
Livermore-Pleasanton	277	212	0	66
Oakland-Piedmont-Emeryville	665	535	9	122
San Leandro-Hayward	262	226	13	23
Butte County				
North Butte County	37	0	0	37
South Butte County	12	0	0	12
Contra Costa County				
Bay	127	96	0	31
Delta	354	347	0	7
Mt. Diablo	257	249	0	8
Walnut Creek-Danville	278	256	0	22
El Dorado County				
El Dorado	184	1	17	167
Fresno County				
Consolidated Fresno	485	350	34	101
Humboldt County				
Eureka	16	0	0	16
Imperial County				
Imperial	169	0	165	4
Kern County				
East Kern	2	0	0	2
West Kern	502	247	247	8
Kings County				
Hanford	3	0	0	3
Los Angeles County				
Alhambra	260	225	0	35
Antelope	17	0	0	17
Beverly Hills	568	281	0	287
Burbank	263	237	0	26
Citrus	561	533	0	28
Compton	1,457	1,191	25	241
Culver	282	232	0	50
Downey	333	269	0	64
East Los Angeles	692	466	59	167
Glendale	518	464	0	54
Inglewood	595	502	6	87
Long Beach	718	616	0	102
Los Angeles	8,472	5,588	0	2,884
Los Cerritos	579	530	0	49
Malibu	271	211	0	60

Judicial Assignments and Assistance Table 6 (Continued)

California Municipal Courts Days Rendered by Commissioners, Referees and Temporary Judges Fiscal Year 1988-1989

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
Los Angeles County (continued)				
Newhall	42	0	0	42
Pasadena	805	592	0	213
Pomona	710	664	0	46
Rio Hondo	470	428	0	43
Santa Anita	488	397	0	91
Santa Monica	420	221	18	181
South Bay	727	456	1	270
Southeast	862	667	0	195
Whittier	488	425	0	63
Marin County				
Marin	507	376	51	80
Merced County				
Merced	409	0	376	33
Monterey County				
Monterey	280	208	0	72
Napa County				
Napa	265	203	0	62
Orange County				
Central Orange County	84	0	0	84
North Orange County	613	447	0	166
Orange County Harbor	622	415	0	208
South Orange County	636	603	0	33
West Orange County	741	455	0	286
Placer County				
Placer	259	40	165	54
Riverside County				
Corona	189	165	0	25
Desert	276	223	0	53
Riverside	309	185	17	107
Mt. San Jacinto	510	475	0	35
Three Lakes	206	134	46	26
Sacramento County				
Sacramento	1,168	892	0	276
South Sacramento	0	0	0	0
San Bernardino County				
San Bernardino	424	359	20	45
San Diego County				
El Cajon	154	60	0	94
North County	392	259	0	133
San Diego	1,259	1,062	0	197
South Bay	172	112	0	60
San Francisco County				
San Francisco	251	0	29	222

Judicial Assignments and Assistance Table 6 (Continued)

California Municipal Courts Days Rendered by Commissioners, Referees and Temporary Judges Fiscal Year 1988-1989

County and judicial district	*Total* (A)	*Commissioners* (B)	*Referees* (C)	*Lawyers as temporary judges* (D)
San Joaquin County				
Lodi	5	0	0	5
Manteca-Ripon-Escalon-Tracy	17	0	0	17
Stockton	247	234	0	13
San Luis Obispo County				
San Luis Obispo	130	1	97	32
San Mateo County				
San Mateo	993	604	0	389
Santa Barbara County				
Lompoc	4	0	0	4
Santa Barbara	249	228	0	21
Santa Maria	266	236	0	30
Santa Clara County				
Santa Clara	1,347	608	0	739
Santa Cruz County				
Santa Cruz	561	242	246	73
Shasta County				
Redding[a]	17	0	0	17
Shasta[a]	1	0	0	1
Solano County				
Northern Solano Consolidated[b]	78	53	25	0
Northern Solano[b]	233	159	72	2
Vallejo-Benicia	0	0	0	0
Sonoma County				
Sonoma	0	0	0	0
Stanislaus County				
Stanislaus	221	136	0	85
Sutter County				
Sutter	14	0	0	14
Tulare County				
Porterville	88	70	0	18
Tulare-Pixley	61	57	0	4
Visalia	89	68	0	21
Ventura County				
Ventura	245	105	0	140
Yolo County				
Yolo	254	0	237	17
Yuba County				
Yuba	0	0	0	0

(A) (B) + (C) + (D). Rounded to whole days.
(B) Includes traffic commissioners and excludes jury commissioners.
(C) Includes days of assistance given by traffic referees.
a On January 1, 1989, Redding Municipal Court combined with Anderson Justice Court, Burney Justice Court, and Central Valley Justice Court to form the Shasta Municipal Court.
b On March 23, 1989, Rio Vista Justice Court combined with Northern Solano Municipal Court to form the Northern Solano Consolidated Municipal Court.

SUPERIOR COURT GLOSSARY

Appeals refer to civil and criminal appeals from municipal and justice courts including appeals in small claims matters.

Awaiting Trial cases refer to civil and criminal cases calendared for trial. This category also includes civil cases not yet calendared in which a party has indicated readiness for trial by filing an at-issue memorandum.

Criminal is a count of defendants against whom an indictment, information, or certification was filed. At least one charge against the defendant must be a felony in order for the case to be filed in superior court. A felony, however, can be disposed of as a misdemeanor in superior court. (See Municipal and Justice Court Glossary for "Felonies.")

Disposition refers to completion of a proceeding whether filed during the current or prior report period. Civil dispositions be fore trial include transfers to another trial court, dismissals, summary judgments and other judgments before trial. Criminal dispositions before trial include transfers to another trial court, convictions after pleas of guilty or no contest, and dismissals. Contested dispositions are trials in which evidence was introduced by both sides. Uncontested dispositions are trial matters in which evidence was introduced by one side only.

Eminent Domain is a count of parcels in a proceeding to take private property for public use and determine the amount of compensation due the owner.

Family Law is a proceeding in which a petition has been filed for dissolving or voiding a marriage or for legal separation.

Filings of civil matters are a count of civil cases initiated during the report period while filings of criminal and juvenile matters are a count of defendants whose cases are before the court. Filings for a report period are counted even though they may not be disposed of in that period.

General Civil is a term used to describe the group of civil cases that are subject to the Trial Court Delay Reduction Act of 1986 (Gov. Code, § 68600 et seq.). It includes the Judicial Council reporting case categories of personal injury, death and property damage (both motor vehicles and other), eminent domain and other civil complaints. It excludes cases on probate and guardianship, family law and other civil petitions.

Habeas Corpus is a count of petitions for writs of habeas corpus and *coram nobis*, petitions seeking release from illegal restraints under section 1473 of the Penal Code, and petitions challenging involuntary detention for treatment under the Lanterman-Petris-Short Act. Habeas corpus may challenge either the legality of confinement or the conditions under which a person is confined.

Judges are the number of positions authorized by law, whether filled or vacant.

Judicial Position Equivalents are estimates of the number of judicial officers who were present and available to perform court business. The numbers include authorized judgeships, adjusted to reflect judicial vacancies and assistance given to other courts, plus assistance from full-time and part-time referees and commissioners, and assistance received from assigned and temporary judges.

SUPERIOR COURT GLOSSARY (continued)

Judicial Positions are the number of judges authorized by law plus full-time referees and commissioners.

Juvenile Delinquency petitions are petitions filed under Welfare and Institutions Code section 602 alleging violation of a criminal statute. Also reported in this category are petitions filed under Welfare and Institutions Code section 601 alleging a minor is beyond the control of parents or guardians, but has not violated any law. Prior to 1977, both sections were referred to as delinquency.

Juvenile Dependency petitions are petitions filed under Welfare and Institutions Code section 300, seeking to make a minor a dependent child of the court.

Median Time refers to the value with half the cases above and half the cases below it in a listing where time values are placed in order from shortest to longest.

Mental Health refers to selected proceedings to detain a person under the Lanterman-Petris-Short Act; proceedings to examine or detain a person as a mentally retarded individual, a narcotic addict, a mentally disordered prisoner at the time of his parole or termination of parole, and a mentally disordered sex offender for a crime committed before January 1, 1982; and proceedings to determine the present sanity of a criminal defendant.

Other Civil Complaints are cases not covered by another civil category. If the prayer is for money, it must be in excess of $25,000 to be filed in superior court. (The upper monetary limit for filing in lower courts was changed from $15,000 to $25,000 on January 1, 1986.)

Other Civil Petitions are petitions for adoption, for change of name, to establish the fact of birth or death (if not part of a pending probate proceeding), for writs of review, mandate and prohibition, for conciliation (when not part of a pending family law proceeding), and petitions filed under the Reciprocal Enforcement of Support Act and other special proceedings.

Personal Injury, Death and Property Damage is a category that includes actions for damages in excess of $25,000 for physical injury to persons and property, and actions for wrongful death. (The upper monetary limit for filing in lower courts was changed from $15,000 to $25,000 on January 1, 1986.)

Probate and Guardianship is a category that includes all probate proceedings, will contests, guardianship and conservatorship proceedings (including conservatorship proceedings under the Lanterman-Petris-Short Act), and petitions to compromise minors' claims (when not part of a pending action or proceeding).

Weighted Filings are estimates of the case-related judicial minutes needed to process an annual caseload. They are determined by adding the products of filings and a corresponding filing weight in each case category. When weighted filings are divided by the appropriate judge-year value, they yield an estimate of the number of judicial positions required to dispose of cases filed during the year.

MUNICIPAL AND JUSTICE COURT GLOSSARY

Cases Awaiting Trial include criminal and civil cases calendared for trial and civil cases with a memorandum to set filed but no trial date assigned. Small claims cases are excluded.

Disposition refers to completion of a proceeding. A civil disposition is a count of cases. Civil dispositions *before trial* include dismissals, transfers, summary judgments and other judgments before trial. A criminal disposition is a count of defendants. Criminal dispositions *before trial* include bail forfeitures, dismissals, transfers to another trial court and pleas of guilty. *After trial* dispositions, jury and non-jury, are divided into contested and uncontested trial categories. *Contested* dispositions are trials in which evidence was introduced by both sides. *Uncontested* dispositions are trials in which evidence was not introduced by both sides, including traffic matters where the officer's written statement or citation is introduced in lieu of the officer's appearance. For criminal proceedings, dispositions after trial include acquittals, dismissals, convictions, and defendants who are bound over.

Felonies refer to all offenses which are punishable by imprisonment in a state prison or by death, including certain crimes charged under the Vehicle Code. Such complaints are filed in municipal and justice courts for a preliminary hearing to determine if there is sufficient evidence to adjudicate the offense in superior court.

Filings in criminal matters refer to the number of defendants accused. In civil matters, they are the number of cases for which an initiating complaint has been filed.

Group A Misdemeanors include nontraffic misdemeanor violations of the Penal Code and other state statutes, but exclude Fish and Game Code violations, intoxication complaints.

Group B Misdemeanors include nontraffic misdemeanor violations of local city and county ordinances, Fish and Game Code violations and intoxication complaints.

Group C Misdemeanors are violations of the Vehicle Code sections 20002 (hit and run, property damage), 23104 (reckless driving, causing injury) and 23152 (driving under the influence of alcohol or drugs).

Group D Misdemeanors include all traffic misdemeanor violations that are not included in the Group C misdemeanor category.

Illegal Parking includes all violations of parking regulations established by state statutes and local ordinances.

Judicial Position Equivalents are estimates of the number of judicial officers who were available to conduct court business. The numbers include authorized judges, adjusted to reflect judge vacancies, assistance rendered to other courts, and assistance received from assigned judges, full-time or part-time commissioners and referees or from temporary judges serving by stipulation of the parties.

Judicial Positions include authorized judges and full-time referees and commissioners.

MUNICIPAL AND JUSTICE COURT GLOSSARY (continued)

Juvenile Orders are issued by municipal court judges, designated traffic hearing officers by the superior court pursuant to section 257 of the Welfare and Institutions Code.

Nontraffic Infractions include non-traffic violations of state statutes and local city and county ordinances specified as infractions.

Other Civil includes all civil matters with a value of $25,000 or less, except small claims matters.

Small Claims refers to all matters filed in small claims court (value of $2,000 or less). The jurisdictional limit increased from $1,500 to $2,000 effective January 1, 1989.

Traffic Infractions include all Vehicle Code violations of state statutes and city and county ordinances specified as infractions but excluding parking violations.

Weighted Filings are estimates of the case-related judicial minutes needed to process an annual caseload. They are determined by adding the products of filings and a corresponding filing weight in each case category. When weighted filings are divided by the appropriate judge-year va¹ue, they yield an estimate of the number of judicial positions required to dispose of cases filed during the year.